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HOLLAND & HART, LLP
P.O BOX 8749
DENVER, CO 80201

Mail Date: 04/21/2010

Applicant	: Willem P.C. Duyvesteyn	: DECISION ON REQUEST FOR
Patent Number	: 7585407	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/371,327	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **831** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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CHURCH STREET STATION
NEW YORK NY 10008-0770

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MAY 05 2009

OFFICE OF PETITIONS

In re Application of :
SEVIM, Nicky :
Application No. 11/371,338 : DECISION ON PETITION
Filed: March 07, 2006 : TO WITHDRAW
Attorney Docket No. **00775/0204174-US0** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 14, 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 Richard Katz on behalf of all attorneys of record who are associated with customer No. 07278. All attorneys/agents associated with the Customer Number 07278 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

The application became abandoned for failure to respond to an Office action mailed September 23, 2008.

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **NICKY SEVIM**
114, GRAND RUE 114
CH 1820 MONTREUX
SWITZERLAND

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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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MAR 12 2009

OFFICE OF PETITIONS

In re Application of	:	
Andrew Kimball	:	
Application No. 11/371,345	:	DECISION ON PETITION
Filed: March 7, 2006	:	TO WITHDRAW
Attorney Docket No. 025802-000120US	:	FROM RECORD
	:	

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, 2008.

The request is **NOT APPROVED**.

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

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

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

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Law Offices of Jonathan Hollander PC**
73 Summer Street, Suite 301
San Francisco, CA 94103-3979

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1420 FIFTH AVENUE
SUITE 2800
SEATTLE WA 98101-2347

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JUL 19 2010

OFFICE OF PETITIONS

In re Application of	:	
David Max Kent	:	
Application No. 11/371,351	:	DECISION ON PETITION
Filed: March 8, 2006	:	TO WITHDRAW
Attorney Docket No. **KENTD126749**	:	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 16, 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 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 to 37 CFR 10.40.

The request was signed by Laura A. Cruz on behalf of all attorneys of record who are associated with Customer Number 26389.

All attorneys/agents associated with Customer Number 26389 have been withdrawn.

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

All future correspondence will be directed to the first named inventor David M. Kent at the address list listed in the request.

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

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: **David M. Kent**
10114 Southeast 225th Place
Kent, WA 98031

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1420 K Street, N.W.
4th Floor
WASHINGTON DC 20005

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APR 26 2010

OFFICE OF PETITIONS

In re Application of :
Yukimitsu Suzuki et al. :
Application No. 11/371,361 : ON PETITION
Filed: March 9, 2006 :
Attorney Docket No. 060218 :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed, November 12, 2008, which set a shortened statutory period for reply of three (3) months. A three month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on May 13, 2009. A reply was received on May 12, 2009, but was not proper reply under 37 CFR 1.113(a) to the final rejection. A Notice of Abandonment was mailed on September 2, 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 $810, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

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

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

This application is being referred to the Technology Center AU 3742 for appropriate action in the normal course of business for processing of the RCE received February 16, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: William L. Brooks
Edwards Angell Palmer & Dodge, LLP
P.O. Box 55874
Boston, MA 02205

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JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

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SEP 24 2008

In re Application of :
Hagen, et al. :
Application No. 11/371,377 : DECISION ON PETITION
Filed: March 8, 2006 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. NOR5001USNP :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed May 7, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

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

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

This pending nonprovisional application was filed on March 8, 2006, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/693,209, which was filed on June 23, 2005, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 119(e)

after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 119(e) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement, are required.

Receipt is hereby acknowledged of the fee required by 37 CFR 1.78(a)(6)(ii).

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

By mail:
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Post Office Box 1450
Alexandria, VA 22313-1450

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

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

Any questions concerning this matter may be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Anthony Knight
Supervisor
Office of Petitions

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of :
Hagen, et al. :
Application No. 11/371,377 : DECISION ON PETITION
Filed: March 8, 2006 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. NOR5001USNP :

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed December 5, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

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

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

This pending nonprovisional application was filed on March 8, 2006, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/693,209, which was filed on June 23, 2005, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 119(e) after the filing date of the application, the amendment would not be proper. When a benefit

claim under 35 U.S.C. § 119(e) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

The application as filed did not contain an incorporation by reference statement. Accordingly, petitioners may not incorporate by reference either Provisional App. No. 60/660,645 or Provisional App. No. 60/693,209.

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement, are required.

Receipt is hereby acknowledged of the fee required by 37 CFR 1.78(a)(6)(ii).

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

By mail:
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Post Office Box 1450
Alexandria, VA 22313-1450

By hand:
Customer Service Window
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Alexandria, VA 22314

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

Any questions concerning this matter may be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Anthony Knight
Supervisor
Office of Petitions

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JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

Mail Date: 04/20/2010

Applicant	: Eric J. Hagen	: DECISION ON REQUEST FOR
Patent Number	: 7625918	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/371,377	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **504** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 : 12-03-08

TO SPE OF : ART UNIT 2814

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/371379 Patent No.: 7445994

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Certificates of Correction Branch
703-308-9390 ext. 123

Thank You For Your Assistance

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

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

Comments: Ok to enter

SPE **Art Unit** 2814

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

Mail Date: 04/20/2010

Applicant	: Ian Gregg	: DECISION ON REQUEST FOR
Patent Number	: 7640928	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/371,452	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **636** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA, PA 19103-2307

Mail Date: 04/21/2010

Applicant	: David Wimsatt	: DECISION ON REQUEST FOR
Patent Number	: 7584835	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/371,467	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **149** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Suite 800
153 Townsend Street
San Francisco, CA 94107-1957

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DEC 15 2006

OFFICE OF PETITIONS

In re Application of:	:	
McClelland et al.	:	
Application No. 11/371,488	:	DECISION DISMISSING
Filing or 371(c) Date: 03/09/2006	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
GENE TRANSFER WITH	:	
ADENOVIRUSES HAVING MODIFIED	:	
FIBER PROTEINS	:	

This Decision is in response to the Petition Pursuant to 37 CFR § 1.47(a), filed September 8, 2006, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s).

The petition is **dismissed**.

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

The above-identified application was filed on March 9, 2006, without, a fully executed oath or declaration. The Office mailed a Notice to File Missing Parts of Nonprovisional Application, on April 12, 2006, requiring *inter alia*, a properly signed oath or declaration.

Applicant files the instant petition in response to the Notice and alleges that inventor McClelland cannot be located, and inventors Stevenson and Vanin refuse to execute the declaration. In support of this assertion, Applicant files the declaration of Jessica Cecena, wherein Ms. Cecena asserts that a search of the internet was conducted for Mr. McClelland with negative results, and that a package including the inventor's declaration, power of attorney and assignment were sent to inventor McClelland's last known address, "and returned no response". September 9, 2006 Declaration of Ms. Cecena at p.2. Ms. Cecena also states that she sent a package including the

inventor's declaration, power of attorney and assignment to inventors Stevenson and Vanin, "and returned no response". September 6, 2006 declaration of Ms. Cecena at p.2.

Applicable Law

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

As to item (1), applicant is advised that, where an inventor is unavailable (cannot be reached), Petitioner must establish the exercise of diligent effort in trying to find or reach the nonsigning inventor. A statement of facts should be submitted from a person with first hand knowledge of the facts relied upon that fully describes the exact facts which are relied on to establish that a diligent effort was made to locate the inventor. *See*, MPEP § 409.03(d).

As to inventor McClelland, Applicant asserts that a search of the internet was conducted for Mr. McClelland with negative results. Applicant; however, did not include any copies of the results of said search. At the very least, an Internet search, or a search of telephone directories should be undertaken of the regions where it is suspected the non-signing inventor may reside. Copies of the results of such searches must be referred to in any renewed petition. It is important that the forthcoming communication contain statements of fact as opposed to conclusions. *See*, MPEP § 409.03(d).

As to inventors Stevenson and Vanin, Applicant states that a package including the inventor's declaration, power of attorney and assignment to inventors Stevenson and Vanin, "and returned no response". Applicant is advised that, if the whereabouts of the nonsigning inventor are known, Applicant is required to send the application to the inventor for his/her review.

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the non-signing inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration.

MPEP 409.03(d).

Applicant must provide copies of the results of the search conducted for inventor McClelland, and send a copy of the application (specification, claims and drawing(s)), to inventors Stevenson and Vanin, before a refusal may be alleged.

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

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

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

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

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DLA Piper Rudnick Gray Cary LLP
Suite 800
153 Townsend Street
San Francisco, CA 94107-1957

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MAY 18 2007

OFFICE OF PETITIONS

In re Application of:	:	
McClelland et al.	:	
Application No. 11/371,488	:	DECISION GRANTING
Filing or 371(c) Date: 03/09/2006	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
GENE TRANSFER WITH	:	
ADENOVIRUSES HAVING MODIFIED	:	
FIBER PROTEINS	:	

This Decision is in response to the Request for Reconsideration of Petition Pursuant to 37 CFR § 1.47(a), filed March 8, 2007, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s). See, MPEP 409.03.

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, Elio Vanin, refuses to join in the application.

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

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

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MR. ELIO VANIN
5654 N SPAULDING
APT. 3
CHICAGO, IL 60659

COPY MAILED

MAY 18 2007

OFFICE OF PETITIONS

LETTER

In re Application of:
McClelland et al.
Application No. 11/371,488
Filing or 371(c) Date: 03/09/2006
Title of Invention:
GENE TRANSFER WITH ADENOVIRUSES HAVING MODIFIED FIBER PROTEINS

Dear Mr. Vanin:

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

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

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

Derek L. Woods
Attorney
Office of Petitions

CC: DLA Piper Rudnick Gray Cary LLP
Suite 800
153 Townsend Street
San Francisco, CA 94107-1957

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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THERAVANCE, INC.
901 GATEWAY BOULEVARD
SOUTH SAN FRANCISCO, CA 94080

Mail Date: 04/21/2010

Applicant	: YongQi Mu	: DECISION ON REQUEST FOR
Patent Number	: 7632847	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/371,500	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2006	: 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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DEC 0 8 2006

OFFICE OF PETITIONS

COPY MAILED
CANCELLED
DEC 0 9 2006
OFFICE OF PETITIONS

In re Application of
Waddell K. Fields
Application No. 11/371,510
Filed: March 8, 2006
Attorney Docket No. 60248.0001US01

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 15, 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 Alan G. Gorman on behalf of all attorneys of record who are associated with customer No. 23552.

All attorneys/agents associated with the Customer Number 23552 have been withdrawn.

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

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

There are no pending office action at the present time.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: WADDELL K. FIELDS
2014 QUINTON PLACE
SUWANNEE, GA 30024

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/371,510	03/08/2006	Waddell K. Fields	60248.0001US01

CONFIRMATION NO. 4023

OC000000021529658

OC000000021529658

23552
MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

Date Mailed: 12/08/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/15/2006.

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

April M Wise

APRIL M WISE
OP (571) 272-1642

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Paper No.

THERAVANCE, INC.
901 GATEWAY BOULEVARD
SOUTH SAN FRANCISCO CA 94080

MAILED

MAR 26 2010

OFFICE OF PETITIONS

In re Patent No. 7,629,336	:	DECISION ON REQUEST
Ji et al.	:	FOR
Issue Date: Dec. 8, 2009	:	RECONSIDERATION OF
Application No. 11/371,512	:	PATENT TERM ADJUSTMENT
Filed: Mar. 9, 2006	:	and
Atty Docket No.	:	NOTICE OF INTENT TO ISSUE
P-164-US1	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on December 11, 2009 and supplemented on March 18, 2010,[1] which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by nine hundred seventeen (917) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by nine hundred eighteen (918) days is **GRANTED to the extent indicated herein.**

As to the "B" delay, the period is 274 days, not 273 days. This period begins on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a), March 10, 2009, and ends on December 8, 2009, 2009, the date the application issued as a patent, or 274 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

[1] The original petition paper filed on December 11, 2009 did not contain a proper s-signature as no name was provided outside of the slashes. 37 CFR 1.4(d)(2)(iii). On March 18, 2010, however, a properly signed petition was filed and will be treated as timely filed.

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 **nine hundred eighteen (918)** 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 : 7,629,336 B2

DATED : **December 8, 2009** **DRAFT**

INVENTOR(S) : Ji et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 644 days.

Delete the phrase "by 644 days" and insert – by 918 days--

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THERAVANCE, INC.
901 GATEWAY BOULEVARD
SOUTH SAN FRANCISCO, CA 94080

Mail Date: 04/21/2010

Applicant	: Yu-Hua Ji	: DECISION ON REQUEST FOR
Patent Number	: 7629336	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/371,512	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1156** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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THERAVANCE, INC.
901 GATEWAY BOULEVARD
SOUTH SAN FRANCISCO, CA 94080

Mail Date: 05/18/2010

Applicant : Yu-Hua Ji
Patent Number : 7629336
Issue Date : 12/08/2009
Application No: 11/371,512
Filed : 03/09/2006

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

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

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

The patent term adjustment has been determined to be **1192** 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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COOK, ALEX, McFARRON, MANZO,
CUMMINGS & MEHLER, LTD.
SUITE 2850
200 WEST ADAMS STREET
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Yoshiharu Hirakata	: DECISION ON REQUEST FOR
Patent Number	: 7626198	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/371,520	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **370** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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PATENT DEPARTMENT
TAYLOR, PORTER, BROOKS & PHILLIPS, L.L.P
P.O. BOX 2471
BATON ROUGE, LA 70821-2471

Mail Date: 04/21/2010

Applicant	: Donal F. Day	: DECISION ON REQUEST FOR
Patent Number	: 7585387	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/371,523	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **230** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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FOGG & POWERS LLC
5810 W 78TH STREET
SUITE 100
MINNEAPOLIS MN 55439

MAILED

JAN 30 2009

OFFICE OF PETITIONS

In re Patent No. 7,390,233 :
Issue Date: June 24, 2008 :
Application No. 11/371,542 : ON PETITION
Filed: March 9, 2006 :
Attorney Docket No. 105.009US01 :

This is a decision on the petition filed November 26, 2008, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee data on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Additionally, the fee required for the above petition is $130 under 37 CFR 1.17(i), in addition to the $100 submitted for the Certificate of Correction. Therefore, the petition fee of $130 is being charged to deposit account no. 50-2432 as authorized.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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PATRICIA SMITH KING
10 E. DOTY STREET, STE. 800
MADISON, WI 53703

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MAY 12 2006

OFFICE OF PETITIONS

In re Application of	:	
Duane F. Sippola	:	
Application No. 11/371,550	:	DECISION ON PETITION
Filed: March 9, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. SIP-002CIP	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 20, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The petition includes a statement by Duane F. Sippola attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

This application is being referred to Technology Center AU 3635 for action on the merits commensurate with this decision.

Wan Laymon
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Date Mailed: April 23, 2008

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

Applicant: Dattwyler et al.
Appl. No.: 11/371,564
Filing Date: March 9, 2006
Title: GROUPS OF BORRELIA BURGDORFERI AND BORRELIA AFZELII THAT CAUSE LYME DISEASE IN HUMANS
Attorney Docket No.: 2631.1002-006
Pub. No.: US 2006/0182756 A1
Pub. Date: August 17, 2006

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on April 14, 2008, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "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.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a). The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission.

Any questions or requests for reconsideration of the decision should be addressed as follows:

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

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Program & Management Analyst
Office of Data Management

Refund Ref:
04/23/2008 DTERRY 0000162397

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Date Mailed: May 5, 2008

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

Applicant: Dattwyler et al.
Appl. No.: 11/371,564
Filing Date: March 9, 2006
Title: GROUPS OF BORRELIA BURGDORFERI AND BORRELIA AFZELII THAT CAUSE LYME DISEASE IN HUMANS
Attorney Docket No.: 2631.1002-006
Pub. No.: US 2006/0182756 A1
Pub. Date: August 17, 2006

This is a decision on the second request for republication of patent application publication under 37 CFR 1.221(a), filed on May 1, 2008, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "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.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

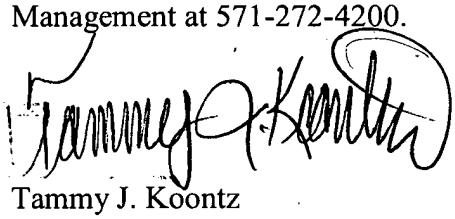
Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission. In addition, the required fees must be paid.

Any questions or requests for reconsideration of the decision should be addressed as follows:

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

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.



Tammy J. Koontz
Program & Management Analyst
Office of Data Management

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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

Mail Date: 04/21/2010

Applicant	: Chen-Jung Lin	: DECISION ON REQUEST FOR
Patent Number	: 7599325	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/371,569	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2006	: 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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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

Mail Date: 05/18/2010

Applicant : Chen-Jung Lin
Patent Number : 7599325
Issue Date : 10/06/2009
Application No: 11/371,569
Filed : 03/09/2006

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

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

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

The patent term adjustment has been determined to be **845** 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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MALLINCKRODT INC.
675 MCDONNELL BOULEVARD
P.O. BOX 5840
ST. LOUIS, MO 63134

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OFFICE OF PETITIONS

In re Application of :
Samuel I. Achilefu, Raghavan Rajagopalan, :
Richard B. Dorshow and Joseph E. Bugaj :
Application No. 11/371,572 : DECISION GRANTING PETITION
Filed: March 9, 2006 : UNDER 37 CFR 1.47(a)
For: DIAGNOSTIC AND THERAPEUTIC :
OPTICAL AGENTS :

This is in response to the "Petition Under 37 CFR 1.47(a)," filed June 1, 2006.

The petition is **granted**.

Petitioner has shown that non-signing inventor Samuel I. Achilefu has refused to join in the filing of the above-identified application.

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

The file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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SAMUEL ACHILEFU
10907 LEIGHTON COURT
ST. LOUIS, MISSOURI 63146

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AUG 17 2006
OFFICE OF PETITIONS

In re Application of
Samuel I. Achilefu, Raghavan Rajagopalan,
Richard B. Dorshow and Joseph E. Bugaj
Application No. 11/371,572
Filed: March 9, 2006
For: DIAGNOSTIC AND THERAPEUTIC
OPTICAL AGENTS

Dear SAMUEL ACHILEFU:

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 (571) 272-3150 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

MALLINCKRODT INC.
675 MCDONNELL BOULEVARD
P.O. BOX 5840
ST. LOUIS, MO 63134

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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George F. Helfrich
c/o Kaufman & Canoles
P.O. Box 3037
Norfolk VA 23514-3037

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OFFICE OF PETITIONS

In re Application of
SANG-HYON CHU et al
Application No. 11/371,575
Filed: March 9, 2006
Attorney Docket No. LAR-16958-1/0118234

ON PETITION

This is a decision on the petition filed March 9, 2006 under 37 CFR 1.182 which is being treated under 37 CFR 1.183 requesting waiver of 37 CFR 1.32(b)(4) for appointment by less than all applicants or owners.

Accordingly, the petition is **DISMISSED**.

Papers giving or revoking a power of attorney in an application generally require signature by all the applicants or owners of the application. Papers giving a power of attorney will not be accepted by the Office when signed by less than all of the applicants or owners of the application unless they are accompanied by a petition under 37 CFR 1.183 and fee under 37 CFR 1.17(f) demonstrating the extraordinary situation where justice requires waiver of the requirement of 37 CFR 1.32(b)(4) that the applicant, or the assignee of the entire interest sign the power of attorney.

The petition requests more than one attorney to prosecute the instant application at the same time. Co-inventor Sang-Hyon Chu has designated power of attorney to George F. Helfrich, Reg. No. 22,350, and an unsigned power of attorney by co-inventors Sang Choi, Sr., Jae-Woo Kim, Peter Lillehei, Yeonjoon Park, Glen King, and James Elliott intends to appoint practitioners associated with customer number 23351.

The petition is defective because it fails to provide a statement of the facts and/or explanation to demonstrate why there is an extraordinary situation where justice requires waiver of the requirement of 37 CFR 1.32(b)(4) in this application.

Furthermore, the present application contains an unsigned oath or declaration.[1] Until a proper oath or declaration has been executed in the application to determine the status of all the inventive entities, the petition cannot be reviewed on its merits.

[1] A Notice to File Missing Parts of Nonprovisional Application was mailed on January 12, 2007.

Accordingly, the petition is dismissed.

Regarding petition fees, petitioners submitted $130. The fee required for the 37 CFR 1.183 waiver of 37 CFR 1.32(b)(4) is pursuant to 37 CFR 1.17(f) which is currently $400. Accordingly, petitioner's deposit account has been charged the $400.

Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.183".

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 Window, Mail Stop PETITIONS
401 Dulany Street
Alexandria, VA 22314

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

Any inquiries related to this decision should be directed to Amelia Au at (571) 272-7414.

The application file is being referred to the Office of Initial Patent Examination (OIPE) to await further processing.

Brian Hearn
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

George F. Helfrich
c/o Kaufman & Canoles
P.O. Box 3037
Norfolk VA 23514-3037

In re Application of :
CHU et al. :
Application No. 11/371,575 : ON PETITION
Filed: March 9, 2006 :
Atty Docket No. LAR-16958-1/0118234 :

This is a decision on a renewed petition filed April 23, 2007, which is being treated as a petition under 37 CFR 1.183 requesting waiver of 37 CFR 1.32(b)(4) for appointment of a representative by less than all applicants or owners.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.183."

Petitioners have presented a situation where the named inventors are combination of federal governmental and non-governmental employee. Inventor Chu has been described as a non-governmental applicant, whereas Inventors Choi, Kim, Lillehei, Park, King and Elliott have been described as governmental employees. Citing to 18 U.S.C. §§ 203 and 205 and an OGE Informal Advisory Letter, dated March 14, 2001, the petition states that the federal employees (i.e., attorneys representing National Aeronautics and Space Administration (NASA)) are prohibited from representing private clients in the prosecution of patent applications before the United States Patent and Trademark Office (USPTO), whether compensated or not. Additionally, the petition states a non-governmental attorney (i.e., George Helfrich) cannot represent federal governmental employees who have assigned their patent rights to NASA. Petitioner cites to Office of Management and Budget (OMB) Circular A-76 and NASA's determination that "representing the Agency before the United States Patent and Trademark Office in the prosecution of a patent application is an "inherently governmental activity"" as a basis for this conclusion.

While it appears both practitioners are cooperating in the filing of papers in the above-identified application, the petitioner has not provided sufficient evidence of an extraordinary situation where justice requires suspension or waiver of 37 CFR 1.32(b)(4). The petitioner states that NASA has determined that patent prosecution before the USPTO is an inherently governmental activity as set forth in the OMB Circular A-76. The Office is aware of many governmental

agencies that employ the services of private law firms and practitioners to prosecute patent applications before the USPTO. Specifically, with reference to the NASA applications, a quick search of the Office's patent databases appears to contradict the conclusion that NASA has determined that patent prosecution before the Office is an inherently governmental activity. For example, the followings patents lists attorneys or agents, who according to Office records, are not federal governmental practitioners but participated in the prosecution of a patent application at least partially assigned to NASA: U.S. Patent No. 7,261,783 (Arlene Neal); U.S. Patent No. 7,305,935 (Howard Cohn); and U.S. Patent No. 7,042,639 (John McMahon). Other examples include patents that lists private law firms that participated in the prosecution of a patent application at least partially assigned to NASA, such as: U.S. Patent No. 6,312,763 (Bachman & LaPointe) and U.S. Patent No. 6,176,924 (Renner, Kenner, Greive, Bobak, Taylor & Weber). Petitioner needs to supply more evidence of how NASA arrived at the conclusion that patent prosecution before the USPTO is an inherently governmental activity, such as an internal memo or advisory letter from an authorized official at NASA who makes these determinations. Additionally, petitioner should explain what distinguishes the instant application from the above-discussed patents, such that the prosecution of this application an inherently governmental activity.

The petition also appears to indicate that Inventors Kim and Park, among others, assigned their rights to NASA. Office records reflect Inventors Choi, Lillehei, King and Elliott assigned their rights in the above application to NASA, as shown in Reel/Frame Number 017813/0872. However, the records do not show that Inventors Kim and Park have assigned their rights in the above application to NASA or are governmental employees. It is not clear why Inventor Kim and Park are, therefore, permitted to be represented by a governmental practitioner given the argument in the petition that U.S. governmental attorneys are prohibited from representing non-governmental applicants before the USPTO. Please provide an explanation.

Furthermore, Inventors Kim and Park are not currently represented. Shana Dale is an official acting on behalf of the Administrator of NASA. Her appointment of practitioners associated with Customer Number 23351 in the *Declaration, Power of Attorney and Petition by the Administrator or Designee and Statement of Inventor(s) – Original Application (Declaration, Power of Attorney)*, submitted on February 14, 2007, only carries with respect to the inventors who have assigned their rights to NASA (Inventors Choi, Lillehei, King and Elliott). Also, pages 2 through 3 of the *Declaration, Power of Attorney*, where Inventors Kim and Park executed the declaration, do not include an appointment of a representative.

If the Office is mistaken, please record such an assignment of Inventors Kim and Park to NASA and provide a proper Statement under 3.73(b). See Form PTO/SB/96. Additionally, 37 CFR 3.73(b) requires the applicant to provide a Statement under 3.73(b) including the entire chain of title of the each assignment between the inventors and NASA. All subsequent correspondences should be signed by all unrepresented inventors (Kim and Park) and all representatives of the inventors and partial assignees that make themselves of record under 37 CFR 3.73(b). See MPEP 324(I)(A).

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 relative to this decision should be directed to the undersigned at (571) 272-4787.

This application is being referred to the Group Art Unit 1795 for further processing.

Denise Pothier
Petitions Examiner
Office of Petitions

cc:
NASA Langley Research Center
Office of Chief Counsel
Mail Stop 141
Hampton, VA 23681-2199

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LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK ,NY 10016

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OFFICE OF PETITIONS

In re Application of :
Atsushi Nakajima :
Application No. 11/371,584 :
Filed: March 9, 2006 : ON PETITION
Attorney Docket No. :
KON-1841-DIV :

This is a decision on the Petition for Filing Date Under Rule 1.181, filed April 18, 2006, requesting the above-identified application be accorded a filing date of March 9, 2006. The petition is properly treated under 37 CFR 1.53.

The petition is **granted**.

The application was filed on March 9, 2006. On April 11, 2006, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application (hereinafter "Notice") stating, *inter alia*, that the application had not been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the instant petition wherein Applicant avers that the application is a divisional of application 10/730,478, which this application claims priority to, and which was explicitly incorporated by reference herein. In view of the foregoing, and in accordance with 37 CFR 1.57 and MPEP 201.06, Applicant asserts that this application is entitled to be accorded a filing date.

A review of the file reveals that the specification contains method claims. As stated in MPEP § 601.01(f), it is the practice of the PTO to treat an application that contains at least one method claim as an application for which a drawing is not necessary for an

understanding of the invention under 35 U.S.C. § 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

This application contains method claims; therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g).

In view of the above, the Notice mailed April 11, 2006, was mailed in error and is hereby withdrawn.

It is also noted that Applicant is correct that the application includes a proper incorporation by reference of divisional application 10/730,478. Incorporation by reference permits an applicant to amend the application to include any subject matter in such prior application(s) without the need for a petition, provided the application is entitled to a filing date notwithstanding the incorporation by reference.

This application is being forwarded to the Office of Initial Patent Examination, Customer Corrections, for further processing, with the filing date of March 10, 2006, and an indication that no drawings were required nor present on filing.

The petition fee has been refunded to deposit account 02-2275 as authorized in the instant petition.

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

Derek L. Woods
Attorney
Office of Petitions

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BAUMAN, DOW & LEON, P.C.
(Alberto A. Leon, Esquire)
P.O. Box 30684
Albuquerque, NM 87190

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OFFICE OF PETITIONS

In re Application of :
Steve R. Asay :
Application No. 11/371,591 : ON PETITION
Filed: March 9, 2006 :
Attorney Docket No. 50220 :

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

The above application became abandoned for failure to timely file a reply to the Notice to File Missing Parts of Nonprovisional Application mailed April 4, 2006, which set a period for reply of two (2) months from the mail date of the Notice. Since the two months extension of time under 37 CFR 1.136(a) filed on September 5, 2006 was untimely, the application became abandoned after midnight on June 4, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of $250 for the search fee, $100 for the examination fee, a $65 surcharge for the late filing and $180 for multiple dependent claims; (2) the petition fee of $770; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The $225 extension of time fee submitted on September 5, 2006, will be refunded to petitioner by Treasury Check, in due course.

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

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SUMMA, ALLAN & ADDITON, P.A.
11610 NORTH COMMUNITY HOUSE ROAD
SUITE 200
CHARLOTTE NC 28277

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OFFICE OF PETITIONS

Applicant: Lee et al.
Appl. No.: 11/371,595
Filing Date: March 9, 2006
Title: CATHODE MATERIAL FOR SECONDARY BATTERIES WITH NON-AQUEOUS ELECTROLYTE, A PROCESS FOR PREPARING THE CATHODE MATERIAL AND LITHIUM SECONDARY BATTERY CONTAINING THE SAME
Attorney Docket No.: 7016.3
Pub. No.: US 2006/0204851 A1
Pub. Date: September 14, 2006

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), filed on September 18, 2006, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on page 3, paragraph [0039] of the publication, as "10°C/min" is misprinted as "1.0C/min."

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The request is dismissed, as the paper was not signed in compliance with 37 CFR 1.31-1.34, 37 CFR 10.14, 37 CFR 10.18, and 37 CFR 10.47. Applicant is reminded that only registered practitioners may practice before the Office.

It would greatly benefit the Office if **applicant did not provide copies of papers** (copy of specification), which were previously submitted, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the

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

applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

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

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

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

By facsimile: 571-273-8300

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

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

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

SUMMA, ALLAN & ADDITON, P.A.
11610 NORTH COMMUNITY HOUSE ROAD
SUITE 200
CHARLOTTE NC 28277

COPY MAILED

APR 10 2008

OFFICE OF PETITIONS

Applicant: Lee et al.
Appl. No.: 11/371,595
Filing Date: March 9, 2006
Title: CATHODE MATERIAL FOR SECONDARY BATTERIES WITH NON-AQUEOUS ELECTROLYTE, A PROCESS FOR PREPARING THE CATHODE MATERIAL AND LITHIUM SECONDARY BATTERY CONTAINING THE SAME
Attorney Docket No.: 7016.3
Pub. No.: US 2006/0204851 A1
Pub. Date: September 14, 2006

This is a decision on the request for reconsideration for a corrected patent application publication under 37 CFR 1.221(b), received on January 22, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on page 3, paragraph [0039] of the publication, as "10°C/min" is misprinted as "1.0C/min."

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

The request for corrected publication, received on January 26, 2007, was not timely filed under 37 CFR 1.221(b).

It would greatly benefit the Office if **applicant did not provide copies of papers, i.e. complete copy of the specification and claims**, which were previously submitted, and/or **complete copies**

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

of the pre-grant publication, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted

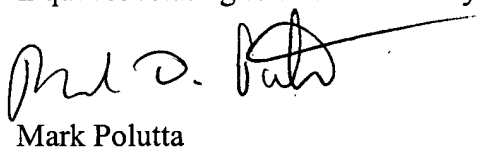
Applicants are advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication 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

By facsimile: 571-273-8300

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



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

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SUMMA, ADDITON & ASHE, P.A.
11610 NORTH COMMUNITY HOUSE ROAD
SUITE 200
CHARLOTTE, NC 28277

Mail Date: 06/07/2010

Applicant	: Young Ki Lee	: DECISION ON REQUEST FOR
Patent Number	: 7625670	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/371,595	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2006	: 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/371,602	03/09/2006	Manabu Kodate	JP920010341US2

CONFIRMATION NO.
1982

IBM CORPORATION
IPLAW IQ0A/40-3
1701 NORTH STREET
ENDICOTT NY 13760

Date Mailed: July 12, 2006

Decision Dismissing Petition under 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☑ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☐ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.

4. ☐ Petition fee was not paid.

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

Telephone inquiries should be directed Office of Patent Publication, Pre-Grant Publication Division, 703-605-4283.

Barbara J. Debnam
Office of Patent Publication
Pre-Grant Publication Division

Rev. 10/01

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THERAVANCE, INC.
901 GATEWAY BOULEVARD
SOUTH SAN FRANCISCO, CA 94080

Mail Date: 04/21/2010

Applicant	: YongQi Mu	: DECISION ON REQUEST FOR
Patent Number	: 7659403	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/371,603	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **990** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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CARLSON, GASKEY & OLDS, P.C./Alcatel-Lucent
400 W MAPLE RD
SUITE 350
BIRMINGHAM, MI 48009

Mail Date: 04/21/2010

Applicant	: Holger Claussen	: DECISION ON REQUEST FOR
Patent Number	: 7603124	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/371,637	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **543** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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CARLSON, GASKEY & OLDS, P.C./Alcatel-Lucent
400 W MAPLE RD
SUITE 350
BIRMINGHAM, MI 48009

Mail Date: 04/21/2010

Applicant	: Holger Claussen	: DECISION ON REQUEST FOR
Patent Number	: 7603124	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/371,637	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **543** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

Mail Date: 04/20/2010

Applicant	: Billy G. Moon	: DECISION ON REQUEST FOR
Patent Number	: 7623491	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/371,675	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **892** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MESCHKOW & GRESHAM, P.L.C.
5727 NORTH SEVENTH STREET
SUITE 409
PHOENIX AZ 85014

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MAY 10 2007

OFFICE OF PETITIONS

In re Application of :
LUGO, Reynaldo P. et al. :
Application No. 11/371,682 : DECISION ON PETITION
Filed: March 08, 2006 : TO WITHDRAW
Attorney Docket No. **2316-010** : 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 January 19, 2007.

The request is **APPROVED**.

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

The request was signed by Lowell W. Gresham on behalf of all attorneys of record who are associated with customer No. 43354. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no outstanding office actions at this time.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **REYNALDO P. LUGO, JR.**
1821 E. ROSE LANE
PHOENIX, AZ 85016

cc: **REYNALDO P. LUGO, JR. AND JOHN MAPALO**
5027 1/2 N. 7TH AVE.
PHOENIX, AZ 85014

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/371,682	03/08/2006	Reynaldo P. Lugo JR.	2316-010

CONFIRMATION NO. 4070

OC000000023700772

43354
MESCHKOW & GRESHAM, P.L.C.
5727 NORTH SEVENTH STREET, SUITE 409
PHOENIX, AZ 85014

Date Mailed: 05/04/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

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

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

Michelle R. Eason

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

Mail Date: 04/21/2010

Applicant	: Souhayla M. Denha	: DECISION ON REQUEST FOR
Patent Number	: 7568299	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/371,712	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **583** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 P.C.
P O BOX 4390
TROY, MI 48099-4390

Mail Date: 04/21/2010

Applicant	: Uwe Eggert	: DECISION ON REQUEST FOR
Patent Number	: 7614666	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/371,731	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2006	: 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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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

In re Application of

GUO, Shiping et al.
Application No. 11/371,738
Filed: March 09, 2006
Attorney Docket No. **EMCORE 3.0-081 DIV**

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 03, 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).

request was signed by Lawrence Russ on behalf of all attorneys of record who are associated with customer No. 00530. All attorneys/agents associated with the Customer Number 00530 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **SHIPING GUO**
500 ADAMS LANE
APT. 1S
NORTH BRUNSWICK NJ 08902

cc: **EMCORE CORPORATION**
1600 EUBANK BLVD, S.E.
ALBUQUERQUE, NM 87123

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OFFICE OF PETITIONS

STREETS & STEELE-FRANK'S INTERNATIONAL.
13100 WORTHAM CENTER DRIVE, SUITE 245
HOUSTON, TX 77065

In re Application of :
Charles Michael Webre, et al. :
Application No. 11/371,742 : DECISION ON PETITION
Filed: March 9, 2006 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. SS.FCC/0006

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 8, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

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

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

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

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

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

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.

Any questions concerning this matter may be directed to Sherry D. Brinkley at (571) 272-3204.

This application is being forwarded to Technology Center Art Unit 3672 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

cc: PATRICK K. STEELE
STREETS & STEELE
13831 NORTHWEST FREEWAY, SUITE 355
HOUSTON, TX 77040

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/371,742	03/09/2006	3672	1000	SS.FCC/0006	15	3

CONFIRMATION NO. 4221

CORRECTED FILING RECEIPT

75546
Streets & Steele-Frank's International.
13100 Wortham Center Drive, Suite 245
Houston, TX 77065

Date Mailed: 11/09/2009

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)

Charles Michael Webre, Lafayette, LA;
Vernon Joseph Bouligny, New Iberia, LA;
Brian David Begnaud, Youngsville, LA;
Mark Stephen Sibille, Lafayette, LA;

Power of Attorney: The patent practitioners associated with Customer Number 24945

Domestic Priority data as claimed by applicant

This application is a CIP of 10/995,905 11/24/2004 PAT 7,222,677
which is a CIP of 10/315,617 12/10/2002 PAT 6,920,931
This application 11/371,742
is a CIP of 10/995,907 11/24/2004 PAT 7,216,716
which is a CIP of 10/315,617 12/10/2002 PAT 6,920,931

Foreign Applications

If Required, Foreign Filing License Granted: 04/20/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/371,742**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

MANIPULATABLE SPIDER COMPONENTS ADAPTED FOR COOPERATION WITH A VERTICALLY RECIPROCATING CONTROL LINE GUIDE

Preliminary Class

166

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

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

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

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

NOT GRANTED

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/371,752	03/08/2006	2872	1550	509982007000	6	23	5

CONFIRMATION NO. 4218

CORRECTED FILING RECEIPT

20872
MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

OC000000018615165

Date Mailed: 04/25/2006

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)

Vi Vuong, Fremont, CA;
Junwei Bao, Palo Alto, CA;
Shifang Li, Pleasanton, CA;
Yan Chen, Santa Clara, CA;

Assignment For Published Patent Application

Timbre Technologies, Inc., Santa Clara, CA

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 04/05/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/371,752

Projected Publication Date: 09/13/2007

Non-Publication Request: No

Early Publication Request: No

Title

Weighting function to enhance measured diffraction signals in optical metrology

Preliminary Class

359

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

GRANTED

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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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CHARLES N. J. RUGGIERO
OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P.
10TH FLOOR
ONE LANDMARK SQUARE
STAMFORD CT 06901-2682

MAILED

SEP 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Lo et al.	:	
Application No. 11/371,753	:	DECISION ON PETITION
Filed: March 9, 2006	:	
Attorney Docket No. 0002663USU/4158	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 29, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a proper and timely manner to the non-final Office action mailed July 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 timely obtained. Accordingly, the application became abandoned on October 16, 2009. A Notice of Abandonment was mailed January 22, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $1,620.00, and (3) an adequate statement of unintentional delay.

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

This application is being referred to Technology Center AU 3743 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
Petitions Examiner
Office of Petitions

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ROCKWELL AUTOMATION
for Turocy & Watson LLP
1201 SOUTH SECOND STREET
E-7F19
MILWAUKEE, WI 53204

Mail Date: 04/20/2010

Applicant	: Randall P. Sadowski	: DECISION ON REQUEST FOR
Patent Number	: 7647131	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/371,764	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **525** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Mail Date: 04/21/2010

Applicant	: Boris Y. Tsirline	: DECISION ON REQUEST FOR
Patent Number	: 7586410	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/371,785	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **455** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK, NY 10016

Mail Date: 04/20/2010

Applicant	: Atsushi Nakajima	: DECISION ON REQUEST FOR
Patent Number	: 7615583	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/371,786	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **846** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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NEW MARKET SERVICES CORPORATION
(FORMERLY ETHYL CORPORATION)
330 SOUTH 4TH STREET
RICHMOND VA 23219

COPY MAILED

NOV 0 7 2007

OFFICE OF PETITIONS

In re Application of :
David J. Degonia et al. :
Application No. 11/371,787 : DECISION GRANTING PETITION
Filed: March 9, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. AC-7713 :

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

The petition is **GRANTED**.

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

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

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

This application is being referred to Technology Center AU 1626 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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William W. Enders
O'KEEFE, EGAN & PETERMAN
Building C, Suite 200
1101 Capital of Texas Highway South
Austin, TX 78746

Mail Date: 04/21/2010

Applicant	: Ligong Wang	: DECISION ON REQUEST FOR
Patent Number	: 7595609	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/371,790	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2006	: 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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MARCOS Y. KLEINERMAN
215 SUNSET AVENUE
AMHERST, MA 01002

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SEP 22 2006
OFFICE OF PETITIONS

In re Application of :
Marcos Y. Kleinerman :
Application No. 11/371,792 : DECISION ON PETITION
Filed: March 9, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 2, 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 Marcos Y. Kleinerman 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 2884 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

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WHIRLPOOL PATENTS COMPANY - MD 0750
500 RENAISSANCE DRIVE - SUITE 102
ST. JOSEPH, MI 49085

Mail Date: 04/21/2010

Applicant	: William J. Bigge	: DECISION ON REQUEST FOR
Patent Number	: 7610849	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/371,796	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **899** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

SCHLUMBERGER-DOLL RESEARCH
ATTN: INTELLECTUAL PROPERTY
LAW DEPARTMENT
P.O. BOX 425045
CAMBRIDGE MA 02142

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OFFICE OF PETITIONS

In re Application of :
Iranpour et al. : DECISION ON
Application No. 11/371,808 : PETITION
Filed: March 9, 2006 :
Atty Docket No. 57.0556 US NP :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b), filed August 29, 2007.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit drawings within three months of the mailing date, March 28, 2007, of the Notice of Allowability. This Office action set a three-month nonextendable statutory period for reply. No drawings having been received, the above-identified application became abandoned on June 29, 2007. A courtesy Notice of Abandonment was mailed on July 30, 2007.

The petition included the required reply[1] in the form of submission of drawings; payment of the petition fee set forth in 37 CFR § 1.17(m); and the required statement of unintentional delay. No terminal disclaimer is required.

[1] The Issue Fee and Publication Fee were timely paid on June 28, 2007.

The Office of Patent Publication has been advised of this decision. The application is, thereby, forwarded for processing into a patent.

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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Tyco Healthcare Group LP
60 MIDDLETOWN AVENUE
NORTH HAVEN, CT 06473

Mail Date: 04/21/2010

Applicant	: Thomas J. Barbieri	: DECISION ON REQUEST FOR
Patent Number	: 7588587	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/371,821	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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HODGSON RUSS LLP
THE GUARANTY BUILDING
140 PEARL STREET, SUITE 100
BUFFALO NY 14202-4040

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OFFICE OF PETITIONS

In re Application of

Carole **SUSSMAN, et al.**
Application No. 11/371,832
Filed: March 9, 2006
Attorney Docket No. **043799.00006**

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 October 21, 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 Rachel S. Watt on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding non-final office action mailed October 9, 2008 that requires a reply from the applicant.

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

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

cc: **CAROLE SUSSMAN**
5473 GRAND PARK PLACE
BOCA RATON, FL 33486

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LEXMARK INTRNTL INC
IP LAW DEPT
740 W NEW CIRCLE RD
LEXINGTON, KY 40550

Mail Date: 06/22/2010

Applicant	: Marenzo Sertino Ganadillo	: DECISION ON REQUEST FOR
Patent Number	: 7657004	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/371,846	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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DETROIT MI 48226

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OFFICE OF PETITIONS

In re Application of :
Rothe, et al. :
Application No. 11/371,858 : DECISION ON PETITION
Filed: March 9, 2006 :
Attorney Docket No. 22515-104362 :

This is a decision on the petition under 37 CFR 1.55(c), filed December 11, 2008, to accept an unintentionally delayed claim under U.S.C. §§ 119(a) - (d) for the benefit of German application No. DE 10 2004 004 000.4, filed January 27, 2005.

The petition is **DISMISSED**.

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;

(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date;

(3) the surcharge as set forth in 37 CFR 1.17(t);

(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) 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.); and

(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The subject nonprovisional application was not filed within 12 months of the filing date of German Application No. DE 10 2005 004 000.4, and therefore, is not entitled to claim priority to that foreign application.

This application is being forwarded to Group Art Unit 3634 for consideration of the Amendment filed December 11, 2008.

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

Anthony Knight
Supervisor
Office of Petitions

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SHUMAKER & SIEFFERT, P. A.
1625 RADIO DRIVE
SUITE 300
WOODBURY, MN 55125

Mail Date: 04/20/2010

Applicant	: Steven M. Goetz	: DECISION ON REQUEST FOR
Patent Number	: 7623918	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/371,868	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **332** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAIL

AUG 17 2006

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Nicolas VOYER, et al. :
Application No. 11/371,885 :
Filed: March 10, 2006 :
For: **MOBILE RADIO COMMUNICATION SYSTEM, COMMUNICATION APPARATUS APPLIED IN MOBILE RADIO COMMUNICATION SYSTEM, AND MOBILE RADIO COMMUNICATION METHOD** :

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed July 13, 2006 under M.P.E.P. §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 petition lacks a copy of each of the references most closely related to the subject matter encompassed by the claims, item (5). A review of the file record finds that copies of the relevant foreign patent references have not been provided in the instant application. The petition states that copies of all references were provided with the Information Disclosure Statement (IDS) filed 1/31/06; however, copies of the cited foreign patents and non- patent literature documents are not found. Furthermore, the coversheet of the IDS states that copies of the cited prior art were provided in prior filed applications. This is not sufficient as set forth in item (5) above.

For the above stated reasons, the petition is **DENIED**.

Should applicant desire reconsideration of this decision, he/she should supplement this petition with copies of the foreign prior art and non-patent literature documents referenced in the petition. No further petition fee is required.

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

Krista Zele
Special Program Examiner
Technology Center 2600
Communications

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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OFFICE OF PETITIONS

In re Application of :
Louis B. Rosenberg :
Application No. 11/371,896 : DECISION ON PETITION
Filed: March 8, 2006 : TO WITHDRAW
Attorney Docket No. OL02152006 : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 4, 2007.

The request is **NOT APPROVED**.

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

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

A courtesy copy of this decision is being mailed to applicant.

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

There are no pending Office actions at this time.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Louis B. Rosenberg
P.O. Box 3537
Pismo Beach, CA 93448

cc: Sinsheimer, Juhnke, Lebens & Mcivor, LLP
1010 Peach Street
P.O. Box 31
San Luis Obispo, CA 93406

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JUL 26 2006

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of
VOYER, NICOLAS, et al.
Application No. 11/371,902
Filed: March 10, 2006
For: **MOBILE RADIO COMMUNICATION SYSTEM, COMMUNICATION APPARATUS APPLIED IN A MOBILE RADIO COMMUNICATION SYSTEM, AND MOBILE RADIO COMMUNICATION METHOD**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed July 13, 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.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

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NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON DC 20004-2128

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MAY 22 2008

OFFICE OF PETITIONS

In re Application of	:	
Yoshiharu Hirakata et al	:	
Application No. 11/371,917	:	DECISION GRANTING PETITION
Filed: March 10, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 740756-2931	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 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 April 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.***[1]

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

This application is being referred to Technology Center AU 2814 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy
Petitions Examiner
Office of Petitions

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

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

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OFFICE OF PETITIONS

In re Application of :
Dimitar G. Kostov :
Application No. 11/371,960 : DECISION ON PETITION
Filed: March 8, 2006 : TO WITHDRAW
Attorney Docket No. 85009:25174-11378 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed September 11, 2006.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Fenwick & West, LLP has been revoked by the assignee of the patent application on September 6, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: JOHN HARVEY
i2 TECHNOLOGIES US, INC.
ONE i2 PLACE, 11701 LUNA ROAD
DALLAS TX 75234

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Gunter Tietze	: DECISION ON REQUEST FOR
Patent Number	: 7607398	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/371,968	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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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 :
RAU, et al. :
Application No. 11/371,985 : DECISION ON PETITION
Filed: March 8, 2006 : TO WITHDRAW
Attorney Docket No. 85008; 25174-11377 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 11, 2006.

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

A review of the file record indicates that the power of attorney to Wasif H. Qureshi of FENWICK & WEST LLP has been revoked by the assignee of the patent application on September 6, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **i2 TECHNOLOGIES US, INC.**
ONE i2 PLACE, 11701 LUNA ROAD
DALLAS TX 75234

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

MAIL

JUL 26 2006

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
VOYER, NICOLAS, et al.
Application No. 11/372,121
Filed: March 10, 2006
For: **MOBILE RADIO COMMUNICATION SYSTEM, COMMUNICATION APPARATUS APPLIED IN A MOBILE RADIO COMMUNICATION SYSTEM, AND MOBILE RADIO COMMUNICATION METHOD**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed July 13, 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.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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Kenneth C. Spafford
708 Smithson Avenue
Erie, PA 16511

Mail Date: 04/21/2010

Applicant	: William M. Anthony	: DECISION ON REQUEST FOR
Patent Number	: 7586728	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/372,132	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **602** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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CONNOLLY BOVE LODGE & HUTZ LLP
(FOR IBM YORKTOWN)
P.O. BOX 2207
WILMINGTON DE 19899-2207

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OFFICE OF PETITIONS

In re Application of	:	
Cyril Cabral Jr., et al	:	
Application No. 11/372,140	:	DECISION GRANTING PETITION
Filed: March 10, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. YOR920030528US2	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 30, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 5, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2822 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

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

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OFFICE OF PETITIONS

In re Application of :
Galvanauskas et al. :
Application No. 11/372185 :
Filing or 371(c) Date: 03/10/2006 :
Attorney Docket Number: A9140 : ON PETITION

This is a decision on the "Petition for Withdrawal of Holding of Abandonment Under 37 C.F.R. § 1.181(a)", filed July 12, 2007.

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 November 9, 2006. The Notice set a one (1) month period for reply. No response having been received, the application became abandoned on December 10, 2006. A Notice of Abandonment was mailed June 19, 2007.

With the present petition, Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence.

In view of the foregoing, the holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 3663 for re-mailing of the Notice.

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

Derek L. Woods
Attorney
Office of Petitions

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

Mail Date: 04/20/2010

Applicant	: Hung-Hu Hao	: DECISION ON REQUEST FOR
Patent Number	: 7628845	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/372,193	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **823** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

In re Application of :
Noriaki KITADA, et *al.* :
Application No. 11/372,194 : DECISION GRANTING PETITION
Filed: March 10, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **008312-0350041** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 2, 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 9, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

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 Examiner, Office of Petitions

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

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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

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OFFICE OF PETITIONS

In re Application of

Gary W. Bohannan et al.
Application No. 11/372,232
Filed: March 10, 2006
Attorney Docket No. 060643-5001

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 20, 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, ***Morgan Lewis & Bockius LLP no longer represents the assignee in this or any other pending prosecution matter***, do not meet any the conditions set forth in 37 CFR 10.40.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Mary W. Knighton**
Wavelength Electronics
51 Evergreen Drive-Suite B
Bozeman, MT 59715

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MINNEAPOLIS MN 55440-1022

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OFFICE OF PETITIONS

In re Application of :
Steven R. Boal :
Application No. 11/372,243 : DECISION ON PETITION
Filed: March 8, 2006 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 15874-019003 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 26, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

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

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

The petition does not satisfy item (1) above.

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

U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

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

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of	:	
Steven R.Boal	:	
Application No. 11/372,243	:	DECISION ON PETITION
Filed: March 8, 2006	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 15874-019003	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed December 28, 2006, 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 the undersigned at (571) 272-3208. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to the Office of Initial Patent Examination. Afterwards, the application will be forwarded to Technology Center Art Unit 2161 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.

Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/372,243	03/08/2006	2161	565	15874-019003	3	3

CONFIRMATION NO. 2335

26181
FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

CORRECTED FILING RECEIPT

OC000000023776991

Date Mailed: 05/09/2007

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)

Steven R. Boal, Los Altos, CA;

Power of Attorney:

Roger Borovoy--20193
John Gagel--33499
Mary Dillahunty--34576
David Goren--34609
Hans Troesch--36950
Mark Kirkland--40048
Tim Pham--48589
Brian Gustafson--52978
Jennifer Zanocco--54563
Richard Bone--56637

Domestic Priority data as claimed by applicant

This application is a CON of 09/451,160 11/30/1999
and is a CON of 10/439,237 05/16/2003

Foreign Applications

If Required, Foreign Filing License Granted: 04/21/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/372,243

Projected Publication Date: Incomplete Reply

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Database management for managing data distribution

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.

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NOT GRANTED

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

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LITMAN LAW OFFICES, LTD
P.O. BOX 15035
CRYSTAL CITY STATION
ARLINGTON, VA 22215

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MAY 18 2006

OFFICE OF PETITIONS

In re Application of :
George Alletsee :
Application No. 11/372,263 : DECISION ON PETITION
Filed: March 10, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. 26339.00 : 37 CFR 1.102(c)(1)
:

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

The petition is **GRANTED**.

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

The instant petition includes a statement from Inventor George Alletsee 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 3761 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

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AT&T Legal Department - HFZ
ATTN. Patent Docketing
One AT&T Way
Room 2A-207
Bedminstor, NJ 07921

Mail Date: 04/21/2010

Applicant	: Rachel Parker-Stephen	: DECISION ON REQUEST FOR
Patent Number	: 7593522	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/372,285	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **503** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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THERAVANCE, INC.
901 GATEWAY BOULEVARD
SOUTH SAN FRANCISCO CA 94080

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APR 12 2010

OFFICE OF PETITIONS

In re Patent No. 7,642,355
Issued: January 5, 2010
Application No. 11/372,294
Filed: March 9, 2006
Dkt. No.: P-207-US1

: DECISION ON APPLICATION FOR
: PATENT TERM ADJUSTMENT
:
:
:

This is a decision on the petition filed on January 8, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by 961 days.

The instant petition under 37 CFR 1.705(d) is not properly signed within the meaning of 37 CFR 1.33(b) as it fails to comply with 37 CFR 1.4(d)(2)(iii)(A) which states that the signer's name must be "[p]resented in printed or typed form preferably immediately below or adjacent the S-signature."

Accordingly, the petition is **DISMISSED**.

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

/ALESIA M. BROWN/

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

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THERAVANCE, INC.
901 GATEWAY BOULEVARD
SOUTH SAN FRANCISCO, CA 94080

Mail Date: 04/21/2010

Applicant	: YongQi Mu	: DECISION ON REQUEST FOR
Patent Number	: 7642355	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/372,294	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **962** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

Mail Date: 04/30/2010

Applicant	: Michael L. Sweringen	: DECISION ON REQUEST FOR
Patent Number	: 7607500	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/372,398	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **701** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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NEIL JOHN GRAHAM
6017 LIDO LANE
LONG BEACH, CA 90803

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OFFICE OF PETITIONS

In re Application of :
Neil John Graham :
Application No. 11/372,399 : DECISION ON PETITION
Filed: March 10, 2006 :
Attorney Docket No. 51179 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 31, 2008, to revive the above-identified application.

This application became abandoned as a result of petitioner's failure to file a complete and proper appeal brief within the time period provided in 37 CFR 41.37(a)(1). As a complete and proper appeal brief was not filed within one (1) month of the Notification of Non-Compliance with 37 CFR 41.37(c)(1), mailed January 26, 2007, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on April 27, 2007. See MPEP 1215.04.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a reply, (2) the petition fee of $770, and (3) a proper statement of unintentional delay.

The petition is **GRANTED**.

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

This application is being referred to Technology Center AU 3732 for appropriate action by the Examiner in the normal course of business on the reply received March 31, 2008.

April M. Wise
Petitions Examiner
Office of Petitions

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C/O LANDON IP INC.
1725 JAMIESON AVE.
ALEXANDRIA VA 22314

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MAY 10 2010

OFFICE OF PETITIONS

In re Application of :
Millo Avissar :
Application No. 11/372,407 : DECISION ON PETITION
Filed: March 8, 2006 :
Attorney Docket No. P-INC-7250-US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 1, 2010, 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 appeal brief; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply received February 1, 2010, is accepted as having been unintentionally delayed.

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

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person

signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

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

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 February 1, 2010.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

cc:

JOSEPH L. FELBER
32 HABARZEL ST.
TEL AVIV 69710 ISRAEL

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KRAGULJAC & KALNAY
4700 ROCKSIDE ROAD
SUMMIT ONE, SUITE 510
INDEPENDENCE, OH 44131

Mail Date: 04/20/2010

Applicant	: David James McCowan	: DECISION ON REQUEST FOR
Patent Number	: 7596097	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/372,435	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **694** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Deborah Katz
USPTO
600 Dulany Street, MDW 917D
Alexandria, VA 22314

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OFFICE OF PETITIONS

In re Application of	:	
Pascale Cossart et al.	:	
Application No. 11/372,462	:	DECISION ON PETITION
Filed: March 10, 2006	:	TO WITHDRAW
Attorney Docket No. 03495.0351-00000	:	FROM RECORD
	:	

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 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 Deborah Katz. Deborah Katz has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There is no outstanding Office action at this time.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Finnegan, Henderson, Farabow, Garrett, & Dunner LLP**
901 New York Avenue, NW
Washington DC 20001-4413

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ROSSI KIMMS & MCDOWELL LLP
P.O. BOX 826
ASHBURN, VA 20146-0826

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OFFICE OF PETITIONS

In re Application of :
Katsumichi Ueyanagi et al :
Application No. 11/372,465 : ON PETITION
Filed: March 10, 2006 :
Attorney Docket No. FUJI:373

This is a decision on the petition, filed November 27, 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 partial issue fee paid on November 13, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2855 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

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CHARLES N. QUINN
FOX ROTHSCHILD LLP
2000 MARKET STREET, 10TH FLOOR
PHILADELPHIA PA 19103

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In re Application of	:	
Cara Sills	:	
Application No. 11/372,478	:	DECISION ON PETITION
Filed: 8 March, 2006	:	
Attorney Docket No. 77801.00101	:	

This is a decision on the petition filed on 6 June, 2006, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date of 8 March, 2006, with one (1) sheet of drawings containing Figures 17 & 18 described in the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 8 March, 2006.

Accordingly, on 6 April, 2006, Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application, stating, *inter alia*, that the application had been accorded a filing date of 8 March, 2006, but that Figures 17 and 18 described in the specification appeared to have been omitted.

In response, on 6 June, 2006, the present petition and, *inter alia*, a copy of one (1) sheet of drawings containing Figures 17 and 18 were filed. Petitioner argues that Figures 17 & 18 were filed with the other application papers on 8 March, 2006, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied with the present petition. The postcard receipt shows an "Office date" stamp of "030806" and the above-identified application number, and identifies the application by the attorney docket number and inventor's name, and acknowledges receipt of, *inter alia*, "Drawings (15 pgs.)". Petitioner requests that the application, including one (1) sheet of

drawings containing Figures 17 & 18, be accorded a filing date of 8 March, 2006.

A review of the record reveals that 14 sheets of drawings containing Figures 1A, 1B, 1C, 1D, 1E, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 19 were received on 8 March, 2006. No Figures 17 and 18 are located among the drawing figures received on that date. However, the evidence is convincing that the application papers deposited on 8 March, 2006, included one (1) sheet of drawings containing Figures 17 and 18, which was subsequently misplaced in the Office. Therefore, the application, including one (1) sheet of drawings containing Figures 17 and 18, is entitled to a filing date of 8 March, 2006.

The "Notice" mailed on 6 April, 2006, is vacated to the extent that it states that Figures 17 and 18 described in the specification appeared to have been omitted from the application.

In view of the above, the petition is granted. No petition fee is due and none has been charged.

The application will be processed with the copy of one (1) sheets of drawings containing Figures 17 and 18 supplied on 6 June, 2006, as a part of the original disclosure. The copies of other application papers supplied with the present petition will not be used for processing or examination, but will be retained in the application file.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 8 March, 2006, using the application papers filed on that date and the copy of one (1) sheet of drawings containing Figures 17 and 18 supplied with the present petition, and for an indication in Office records that 15 sheets of drawings were present on filing.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

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

In re Patent No. 7,595,791	:	DECISION ON REQUEST FOR
TAKATA et al.	:	RECONSIDERATION OF
Issue Date: September 29, 2009	:	PATENT TERM ADJUSTMENT
Application No. 11/372,502	:	AND
Filed: March 10, 2006	:	NOTICE OF INTENT TO ISSUE
Attorney Docket No. 9281-5269	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on November 30, 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 eight hundred fifty-eight (858) 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 eight hundred fifty-eight (858) days is **GRANTED**.

The Office will charge the $200.00 fee set forth in 37 CFR 1.18(e) to the Deposit Account as authorized. 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 **eight hundred fifty-eight (858) days**.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,595,791 B2

DATED : Sep. 29, 2009 **DRAFT**

INVENTOR(S) : TAKATA 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 655 days

Delete the phrase "by 655 days" and insert – by 858 days--

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

Mail Date: 04/21/2010

Applicant	: Masahiro Takata	: DECISION ON REQUEST FOR
Patent Number	: 7595791	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/372,502	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1061** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

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

In re Patent No. 7,595,791	:	DECISION ON REQUEST FOR
TAKATA et al.	:	RECONSIDERATION OF
Issue Date: September 29, 2009	:	PATENT TERM ADJUSTMENT
Application No. 11/372,502	:	AND
Filed: March 10, 2006	:	NOTICE OF INTENT TO ISSUE
Attorney Docket No. 9281-5269	:	CERTIFICATE OF CORRECTION

This is a decision on the "SECOND REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT" filed on May 19, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting reconsideration of the patent term adjustment calculation.

The request for reconsideration of the patent term adjustment calculation is **GRANTED to the extent indicated herein.** The term of the above-identified patent is extended or adjusted by **eight hundred fifty-eight (858) days**.

On November 30, 2009, patentee submitted a petition under 37 CFR 1.705(d) and fee. On February 1, 2010, patentee filed a Request for Recalculation of Patent Term Adjustment in View of *Wyeth*. On April 6, 2010, the Office mailed a decision granting the petition under 37 CFR 1.705(d) to the extent that a certificate of correction would be issued indicating that the term of the patent was extended or adjusted by 858 days. On April 21, 2010, the Office mailed a "DECISION ON REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH AND NOTICE OF INTENT TO ISSUE CERTIFICATE OF CORRECTION" indicating that the patent term adjustment had been determined to be 1061 days.

The Office notes that the decision of April 21, 2010, was issued in error as it accorded patentee 203 more days of patent term adjustment than were warranted. Accordingly, the decision of

April 21, 2010, is withdrawn. The present decision supersedes the decision mailed on April 21, 2010.

The Office has determined that the patent term adjustment for the above-identified patent is **858 days**. The 203 additional days of adjustment will be removed.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentee is given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges the previous submission of the required fee of $200.00 set forth in 37 CFR 1.18(e).

This matter is being referred to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **858 days**.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosures: Copy of DRAFT Certificate of Correction and Copy of REVISED PAIR Screen

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,595,791 B2

DATED : Sep. 29, 2009 **DRAFT**

INVENTOR(S) : TAKATA 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 655 days

Delete the phrase "by 655 days" and insert – by 858 days--

Day : Wednesday

PALM INTRANET

Date: 5/26/2010
Time: 09:21:32

PTA Calculations for Application: 11/372502			
Application Filing Date:	03/10/2006	PTO Delay (PTO):	858
Issue Date of Patent:	09/29/2009	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	858
PTO Delay Adjustment:	0		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
56	05/26/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		203	
52	04/17/2010	PETITION DECISION - GRANTED			
51	04/06/2010	MAIL-RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ISSUE			
50	04/06/2010	RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ISSUE			
50	04/06/2010	RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ISSUE			
49	11/30/2009	PETITION ENTERED			
48	04/05/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	203		
48	04/05/2010	ADJUSTMENT OF PTA CALCULATION BY PTO			
47	02/01/2010	PETITION ENTERED			
45	09/29/2009	RECORDATION OF PATENT GRANT MAILED			
44	09/09/2009	ISSUE NOTIFICATION MAILED			
43.5	09/29/2009	PTA 36 MONTHS	203		
43	09/29/2009	PATENT ISSUE DATE USED IN PTA CALCULATION			
42	08/28/2009	EXPORT TO FINAL DATA CAPTURE			
41	08/27/2009	DISPATCH TO FDC			
40	08/27/2009	DISPATCH TO FDC			
39	08/26/2009	APPLICATION IS CONSIDERED READY FOR ISSUE			
38	08/21/2009	ISSUE FEE PAYMENT VERIFIED			
37	08/21/2009	ISSUE FEE PAYMENT RECEIVED			
36	07/16/2009	FINISHED INITIAL DATA CAPTURE			
35	06/22/2009	EXPORT TO INITIAL DATA CAPTURE			
34	06/19/2009	MAIL NOTICE OF ALLOWANCE			

33	06/18/2009	ISSUE REVISION COMPLETED			
32	06/18/2009	DOCUMENT VERIFICATION			
31	06/18/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
30	06/15/2009	NOTICE OF ALLOWABILITY			
26	05/30/2009	CASE DOCKETED TO EXAMINER IN GAU			
25	05/23/2009	DATE FORWARDED TO EXAMINER			
24	04/23/2009	RESPONSE AFTER NON-FINAL ACTION			
23	02/23/2009	MAIL NON-FINAL REJECTION	655		-1
22	02/17/2009	NON-FINAL REJECTION			
16	03/10/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
12	11/13/2008	CASE DOCKETED TO EXAMINER IN GAU			
11	09/13/2008	CASE DOCKETED TO EXAMINER IN GAU			
10	02/27/2007	CASE DOCKETED TO EXAMINER IN GAU			
9	12/21/2006	TRANSFER INQUIRY TO GAU			
8	12/05/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
7	03/10/2006	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
6.7	03/10/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
6	03/10/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
5	03/28/2006	APPLICATION DISPATCHED FROM OIPE			
4	03/28/2006	APPLICATION IS NOW COMPLETE			
3	03/26/2006	CLEARED BY OIPE CSR			
2	03/22/2006	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	03/10/2006	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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In re Application of :
LARSON, Gerald L. :
Application No. 11/372,506 : DECISION ON PETITION
Filed: March 10, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. **D6052** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 16, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

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

The instant petition includes a statement attesting that Gerald Larson is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 4147 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto CA 94303

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OFFICE OF PETITIONS

In re Patent of	:	DECISION ON REQUEST
Schaffer, et al.	:	FOR
Patent No. 7,625,570	:	RECONSIDERATION OF
Issue Date: December 1, 2009	:	PATENT TERM ADJUSTMENT
Application No. 11/372,552	:	and
Filed: March 9, 2006	:	NOTICE OF INTENT TO ISSUE
Docket No. B05-039-2(BERK-045)	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on January 28, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one hundred thirty-one (131) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one hundred thirty-one (131) days is **GRANTED to the extent indicated herein.**

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on March 10, 2009 and ends on August 25, 2009, the day before the RCE was filed, and is 169 (not 170) days. *See* 35 U.S.C. 154(b)(1)(B)(i). As such, the patent term adjustment is 130, not 131 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignees or

patentees an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one hundred thirty (130)** days.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,625,570 B1

DATED : **December 1, 2009** **DRAFT**

INVENTOR(S) : Schaffer 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 U.S.C. 154(b) by 0 days

Delete the phrase "by 0 days" and insert – by 130 days--

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/372,555	03/11/2006	Curt Lee Nelson	200505771-1	6919

7590 04/21/2008

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER	

ART UNIT	PAPER NUMBER
2812	

NOTIFICATION DATE	DELIVERY MODE
04/21/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 04/22/2008 DTERRY 11372555
03/14/2006 CCHAU1 00000015 082025
02 FC:1111 500.00 CR
04 FC:1202 450.00 CR

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : September 26,2007

TO SPE OF : ART UNIT 2859

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/372,574 Patent No.: 7178259 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: _____

Diego Gutierrez
Supervisory Patent Examiner
Technology Center 2800

SPE 2859 **Art Unit**

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SEARS TOWER
CHICAGO IL 60606

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OFFICE OF PETITIONS

In re Patent No. 7178259	:	
Issue Date: 02/20/2007	:	
Application No. 11/372574	:	ON PETITION
Filed: 03/10/2006	:	
Attorney Docket No. 30412/40263A	:	

This is a decision on the petition filed on November 5, 2007, which is being treated as a petition under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a certificate of correction.

The petition is **DISMISSED**.

Petitioner requests issuance of a certificate of correction in the name of "IRWIN INDUSTRIAL TOOL COMPANY."

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 [emphasis added]. *See also* MPEP 1481.01.

U.S. Patent and Trademark Office assignment records disclose that an assignment from the named inventors to IRWIN INDUSTRIAL TOOL COMPANY was recorded on September 25, 2007, **after the date of issuance of this patent**. Accordingly, since the assignment was not

submitted for recordation until after issuance of this patent, issuance of a certificate of correction would not be proper.

The processing fee of $130.00 will be credited to counsel's deposit account, as authorized in the petition.

Telephone inquiries concerning this decision on petition should be directed to the undersigned at (571) 272-3231 .

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
John J. Kiraly	:	
Application No. 11/372,581	:	DECISION ON PETITION
Filed: March 10, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 04-066	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 3, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The petition includes a statement by John J. Kiraly attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

This application is being referred to Technology Center AU 3636 for action on the merits commensurate with this decision.

Wan Laymon
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
John J. Kiraly :
Application No. 11/372,581 : ON PETITION
Filed: 10 March 2006 :
Attorney Docket No. 04-066 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 16, 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 March 7, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed March 7, 2006, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 8, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the Issue and Publication Fees; (2) the petition fee of $750.00; and (3) a statement of unintentional delay. Accordingly, the Issue and Publication Fee payments are accepted as having been unintentionally delayed.

The office acknowledges receipt of the drawings submitted February 25, 2007. As the Notice of Allowability did not require corrected drawings, the matter has been forwarded to the Office of Publication for resolution.

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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BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS, IN 46204

Mail Date: 04/29/2010

Applicant	: Timothy J. Courant	: DECISION ON REQUEST FOR
Patent Number	: 7621251	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/372,593	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **766** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Weaver Austin Villeneuve & Sampson LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

Mail Date: 06/17/2010

Applicant	: Alpesh S. Patel	: DECISION ON REQUEST FOR
Patent Number	: 7633917	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/372,598	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **846** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

Sheppard, Mullin, Richter & Hampton, LLP
333 South Hope Street
48th Floor
Los Angeles, CA 90071-1448

In re Application of	:	
Ross Neil Williams	:	
Application No. 11/372,603	:	DECISION ON PETITION
Filed: March 10, 2006	:	TO WITHDRAW
Attorney Docket No. 16HC-134319	:	FROM RECORD
	:	

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 26, 2009.

The request is **NOT APPROVED.**

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

The request cannot be approved because there is no indication to where all future correspondence will be forwarded. In order to correct the application file a change of correspondence address must be provided.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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

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AUG 21 2008

In re Application of :
Jayson G. Pearl, et al. :
Application No. 11/372,627 : ON PETITION
Filed: March 10, 2006 :
Attorney Docket No. 830229.00002 :

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

The petition is not signed by an attorney or agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Michael A. Jaskolski appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of August 27, 2007. A Notice of Abandonment was subsequently mailed on April 7, 2008. In response, on May 8, 2008, the present petition was filed.

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

This application is being referred to Technology Center AU 2831 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

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In re Application of :
TREJO, AMY VIOLET :
Application No. 11/372,637 : DECISION ON PETITION
Filed: 03/10/2006 :
Attorney Docket No. 9941 :

This is a decision on the petition under 37 CFR 1.181, filed October 23, 2008, to withdraw the holding of abandonment in the above-identified application.

The application became abandoned for failure to respond timely to the Restriction Requirement, mailed March 11, 2008, which set a shortened statutory period of one month or thirty days, whichever was longer, to respond. In the apparent absence of a timely filed response, the application was held abandoned on April 12, 2008. A Notice of Abandonment was mailed on October 17, 2008.

Petitioners assert that they filed a timely reply to the Restriction Requirement via facsimile transmission on April 11, 2008. In support of the assertion, petitioners supplied a copy of the response, accompanied by a Facsimile Transmission Sheet. The Facsimile Transmission Sheet included a certificate of facsimile transmission under 37 CFR 1.8 dated April 11, 2008, and indicated that the Response to Restriction Requirement (4 pages) and the Transmittal Sheet were being transmitted to the USPTO. Additionally, petitioners provided a copy of the sending unit's transmission report and the USPTO's Auto-Reply Facsimile Transmission, acknowledging receipt of 5 pages (including the cover page) in USPTO on April 11, 2008.

37 CFR 1.8(b) states that 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 by the U.S. Patent and Trademark Office, and the application is held to be abandoned or the proceeding 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. If the correspondence was transmitted via the Office electronic filing system, a copy of an acknowledgment receipt generated by the Office electronic filing system confirming submission may be used to support this statement.

In view of the above, the required reply is considered timely filed pursuant to 37 CFR 1.8. Accordingly, the petition under 37 CFR 1.181 is **granted** and the holding of abandonment is withdrawn. The application will be restored to pending status.

This matter is being referred to Technology Center Art Unit 1651 for action on the reply.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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

Mail Date: 04/21/2010

Applicant	: Kentaro Toyama	: DECISION ON REQUEST FOR
Patent Number	: 7643035	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/372,650	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **521** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

Patent No. 7,379,020	:	
Issue Date: May 27, 2008	:	
Application No. 11/372,667	:	ON PETITION
Filed: March 10, 2006	:	
Attorney Docket No. 57224/A400	:	

This is a decision on the renewed petition filed October 14, 2008, under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED**.

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

Telephone inquiries concerning this decision may be directed to the Kimberly Inabinet at (571) 272-4618. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

Carl Friedman
Petitions Examiner
Office of Petitions

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LAW OFFICES OF BRIAN S STEINBERGER
101 BREVARD AVENUE
COCOA, FL 32922

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AUG 25 2006
OFFICE OF PETITIONS

In re Application of :
Phanstiel :
Filed: March 10, 2006 : ON PETITION
Application No. 11/372,671 :
Atty. Dkt. No.: UCF-514CIP.DIV :

This decision is in response to the "PETITION UNDER 37 CFR 1.182 TO ENTER MISSING PART DEPOSITED WITH USPTO" and for a refund of the petition fee submitted herewith, filed May 8, 2006 and supplemented August 10, 2006.

The application was filed March 10, 2006. The Notice of Omitted Item(s) in a Nonprovisional Application (Notice) mailed April 7, 2006 indicated that the application had been accorded a filing date but that the application appeared to have been submitted without "[p]ages 35 and 35 of the specification..."

In response, petitioner herein argues that the application as deposited included 52 pages of specification, including page 35, and has presented as proof of mailing and proof of receipt of 52 pages of specification a return postcard date stamped by the Office on March 10, 2006.

A review of the record indicates that pages 34 and page 35 appear to have been omitted from the application papers received by the Office. Petitioner, however, has kindly submitted a copy of pages 34 and 35.

The original of pages 34 and 35 submitted with the application papers have not been located. However, in view of the evidence presented, the petition to accord the application a filing date of March 10, 2006 is GRANTED.

Since the original sheets of pages 34 and 35 cannot be located in the Office, the copy submitted herewith will be used for examination purposes.

No petition fee is due in connection with this matter. A refund has been requested of the $400.00 petition fee submitted herewith.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of March 10, 2006.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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Morrison & Foerster LLP
12531 High Bluff Drive
Suite 100
San Diego, CA 92130-2040

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OFFICE OF PETITIONS

In re Application of	:	
Paul Colton et al.	:	
Application No. 11/372,685	:	DECISION ON PETITION
Filed: March 10, 2006	:	TO WITHFRAW
Attorney Docket No. APT-002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR 1.136(b) filed March 1, 2007.

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

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP has been revoked by the assignee of the patent application on June 20, 2007. Accordingly, the request to withdraw under 37 CFR 1.136(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 Carl Friedman at 571-272-6842.

David Bucci
Petitions Examiner
Office of Petitions

Cc: Clause Eight Intellectual Property Services
P.O Box 131270
CARLSBAD CA 92013

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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606-6357

Mail Date: 04/21/2010

Applicant	: Chad A. Mirkin	: DECISION ON REQUEST FOR
Patent Number	: 7588624	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/372,687	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **411** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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JAMES B. CONTE
120 S. RIVERSIDE PLAZA, 22nd FL
CHICAGO, IL 60606

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OFFICE OF PETITIONS

In re Application of :

FUKSA, et al. :
Application No. 11/372,695 : DECISION ON PETITION
Filed: March 10, 2006 : TO WITHDRAW
Attorney Docket No. **926512-102934** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 18, 2008.

The request is **NOT APPROVED.**

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request "file responsibility was transferred" 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: WELSH AND KATZ LTD
120 S RIVERSIDE PLAZA 22ND FLOOR
CHICAGO, IL 60606

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

Mail Date: 06/30/2010

Applicant	: Hariharan Ananthakrishnan	: DECISION ON REQUEST FOR
Patent Number	: 7640356	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/372,708	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **676** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK NY 10016

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JUN 27 2008

OFFICE OF PETITIONS

In re Application of :
Kenneth Jacobs, et al. :
Application No. 11/372,723 : DECISION ON PETITION
Filed: March 10, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. JAO-4 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 8, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the first named inventor declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2851 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

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MINNEAPOLIS MN 55440-1022

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OFFICE OF PETITIONS

In re Application of	:	
Mohammad Moktader et al	:	
Application No. 11/372,740	:	DECISION GRANTING PETITION
Filed: March 10, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 15471-002002	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 28, 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 5, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

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

Karen Creasy
Petitions Examiner
Office of Petitions

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

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MINNEAPOLIS MN 55440-1022

In re Application of :
MOKTADER, Mohammed S. et al. :
Application No. 11/372,741 : DECISION ON PETITION
Filed: March 10, 2006 : TO WITHDRAW
Attorney Docket No. **15471-005001** : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 10, 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 Feigenbaum on behalf of all attorneys of record who are associated with customer No. 26161. All attorneys/agents associated with the Customer Number 26161 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 Mohammed Moktader 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: **MOHAMMED MOKTADER**
645 WESTFIELD STREET, #2
SPRINGFIELD MA 01089

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AAGAARD & BALZAN, LLP
674 COUNTY SQUARE DRIVE
SUITE 105
VENTURA CA 93003

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OFFICE OF PETITIONS

In re Application of
Michael Kutney, Daniel Hoffman, Gerardo Delgadino, Ezra Gold, Ashok Sinha, Xiaoye Zhao, Douglas Burns and Shawming Ma
Application No.11/372,752
Filed: March 10, 2006
Attorney Docket No. 9832 P01
Title: Methods to Avoid Unstable Plasma States During A Process Transition

: DECISION

This is in response to the petition under 37 CFR 1.47(a) filed November 7, 2006.

The petition is GRANTED.

Petitioner has shown that non-signing inventor Sinha has refused to join in the filing of the above-identified application after having been presented with the application papers. The petition attest a copy of the application was sent to non-signing inventor's last known address. The non-signing inventor's failure to respond to the application mailing sufficiently establishes that he refuses to execute the application papers.

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

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

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

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Ashok Sinha
117 Whits Road
Mountain View, CA 94040

In re Application of
Michael Kutney, Daniel Hoffman, Gerardo Delgadino, Ezra Gold, Ashok Sinha, Xiaoye Zhao, Douglas Burns and Shawming Ma
Application No.11/372,752
Filed: March 10, 2006
Attorney Docket No. 9832 P01
Title: Methods to Avoid Unstable Plasma States During A Process Transition

: LETTER

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JAN 0 5 2007

OFFICE OF PETITIONS

Dear Mr. Sinha :

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 (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

AAGAARD & BALZAN, LLP
674 COUNTY SQUARE DRIVE
SUITE 105
VENTURA CA 93003

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

Silicon Valley Patent Group LLP
18805 Cox Avenue
Suite 220
Saratoga, CA 95070

Mail Date: 04/21/2010

Applicant	: Mike Littau	: DECISION ON REQUEST FOR
Patent Number	: 7656542	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/372,757	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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WOODSIDE IP GROUP
P.O. BOX 61047
PALO ALTO CA 94306

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OFFICE OF PETITIONS

In re Application of :
Lichy et al. :
Application No. 11/372,769 :
Filed: March 10, 2006 :
Attorney Docket No. NuEdison 1004 :

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 22, 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 Michael Hetherington on behalf of all attorneys of record who are associated with Customer No. 36743.

All attorneys/agents associated with Customer Number 36743 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

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

Currently, there is an outstanding Office action mailed December 9, 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

cc: Joseph I. Lichy
1716 Mulberry Lane
San Jose, CA 95125

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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ASHKAN NAJAFI, P.A.
6817 SOUTHPOINT PARKWAY
SUITE 2301
JACKSONVILLE FL 32216

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JUL 07 2008

OFFICE OF PETITIONS

In re Application of :
Jennifer G. ARTEAGA et al. :
Application No. 11/372,772 : DECISION ON PETITION
Filed: March 13, 2006 :
Attorney Docket No. AMC4289 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 19, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before March 12, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed December 12, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 13, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $720.00, (2) the petition fee of $770.00; and (3) a proper statement of unintentional delay. Accordingly, the issue fee payment is accepted as being unintentionally delayed.

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

This application is being referred to Office of Data Management.

Michelle R. Eason
Paralegal Specialist
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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APR 15 2008

OFFICE OF PETITIONS

ASHKAN NAJAFI, P.A.
6817 SOUTHPOINT PARKWAY
SUITE 2301
JACKSONVILLE FL 32216

In re Application of :
Louis P. Perea :
Application No. 11/372,776 : DECISION ON PETITION
Filed: March 13, 2006 : PURSUANT TO
Attorney Docket No.: PHO616 : 37 C.F.R. § 1.181
Title: STAND FOR SUPPORTING :
CHRISTMAS ACCESSORIES AND THE :
LIKE :

This is a decision on the petition filed March 7, 2008, pursuant to 37 C.F.R. § 1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed October 19, 2007, which set a shortened statutory period for reply of three months. A completed form PTOL-85 was received on January 24, 2008[1], however the form indicated that payment was to be made by credit card, and an Office stamp that appears thereon indicates that the credit card form was not received by the Office. No further response was received, and no extensions of time are permitted for transmitting issue fees[2]. Accordingly, the above-identified application became abandoned on January 20, 2007. A Notice of Abandonment was mailed on February 21, 2008.

With this petition, Petitioner has asserted that a response was submitted to the Office on January 22, 2008. Petitioner has submitted a copy of a completed form PTOL-85 that contains an

1 The form contains a certificate of mailing dated January 21, 2008. It is noted that January 19, 2008 fell on a Saturday.
2 See MPEP § 710.02(e).

authorization to charge the issue fee to a Deposit Account, and contains a certificate of mailing dated January 22, 2008[3].

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

Accordingly, the petition under 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The issue fee has been charged to Petitioner's Deposit Account, pursuant to the instructions contained on form PTOL-85, submitted concurrently with this petition.

The Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[4]. All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

3 It is noted that January 21, 2008 fell on a federal holiday.
4 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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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Date: 04/01/10

Patent No. : 7668354 B2
Ser. No. : 11/372,783
Inventor(s) : O'DONNELL, THOMAS
Issued : 02/23/10
Title : **SYSTEM AND METHOD FOR TRACKING AND CLASSIFYING THE LEFT VENTRICLE OF THE HEART USING CINE-DELAYED ENHANCEMENT MAGNETIC RESONANCE**
Docket No. : **2005P05097 US01**

Re: Request for Certificate of Correction

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

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

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

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

A. **the processing fee set forth in 37 CFR 1.17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

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

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

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

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

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

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

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(703) 756-1574 or (703) 305-8309

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

LMN

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 05/26/2010

Applicant	: Thomas O'Donnell	: DECISION ON REQUEST FOR
Patent Number	: 7668354	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/372,783	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1020** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA GA 30309

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OFFICE OF PETITIONS

In re Application of :
Ehud Levy :
Application No. 11/372,789 : DECISION ON PETITION
Filed: 10 March, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. 40654/321486 : 37 CFR 1.102(c)(2)
:

This is a decision on the petition under 37 CFR 1.102(c)(2)(i), filed August 8, 2006, 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.

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.

The instant petition fails to show that the invention meets the materiality standard. The instant invention is broadly directed to a water purification cartridge and method. Such devices and methods are generally known in the art. That the instant invention reduces/removes chloramines from drinking water, as explained in the statement by the inventor, 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 maintenance of the basic life-sustaining natural elements. As a result, no such contribution to the restoration or maintenance of basic life-sustaining natural elements has been persuasively shown.

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

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450

Alexandria, VA 22313-1450

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

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to 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 1724 for action in its regular turn.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

Marcus G. Theodore, PC
466 South 500 East
Salt Lake City, UT 84102

In re Application of	:	
Nannette Holmberg	:	
Application No. 11/372,797	:	DECISION ON PETITION
Filed: March 10, 2006	:	TO WITHDRAW
Attorney Docket No.	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed July 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 Marcus G. Theodore, sole attorney of record. Marcus G. Theodore has been withdrawn from attorney of record.

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

The correspondence address has been changed to that of the inventor and is copied below.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Nannette Holmberg
1724 South 1100 East
Salt Lake City, UT 84102

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/372,797	03/10/2006	Nannette Holmberg	

CONFIRMATION NO. 8152

POWER OF ATTORNEY NOTICE

24987
MARCUS G THEODORE, PC
466 SOUTH 500 EAST
SALT LAKE CITY, UT 84102

OC000000032619049

Date Mailed: 10/16/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/31/2008.

- 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

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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Lawrence A. Aaronson, P.C.
Lawrence A. Aaronson
12850 Highway 9
Suite #600 PMB 338
Alpharetta, GA 30004

Mail Date: 04/20/2010

Applicant	: Laurence Vigeant-Langlois	: DECISION ON REQUEST FOR
Patent Number	: 7612688	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/372,820	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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BOZICEVIC FIELD & FRANCIS
1900 UNIVERSITY AVENUE
SUTIE 200
EAST PALO ALTO, CA 94303

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MAY 16 2006

OFFICE OF PETITIONS

In re Application of	:	
Robert M. Corn et al	:	
Application No. 11/372,823	:	DECISION ON PETITION
Filed: March 9, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. GWCT-001	:	37 CFR 1.102(d)
	:	

This is a decision on the petition under 37 CFR § 1.102(d), filed April 13, 2006, to make the above-identified application special based on applicants who are small entities filing biotechnology applications as set forth in M.P.E.P. § 708.02, Section XII.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR § 1.102(d) and MPEP § 708.02, Section XII: Special Status for Applications Relating to Biotechnology Filed by Applicants Who are Small Entities, must be accompanied by (1) the petition fee under 37 CFR 1.17(h); and (2) state:

> (A) That small entity status has been established or include a statement establishing small entity status;
> (B) That the subject of the patent application is a major asset of the small entity; and
> (C) That the development of the technology will be significantly impaired if examination of the patent application is delayed, including an explanation of the basis for making the statement.

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

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

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

This application is being referred to the Office of Initial Patent Examination for preexamination processing. This application will be accorded "special" status when preexamination processing is done.

Amelia Au
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 04/21/2010

Applicant	: Mirzafer K. Abatchev	: DECISION ON REQUEST FOR
Patent Number	: 7662718	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/372,825	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **311** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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DEWITT ROSS & STEVENS S.C.
8000 EXCELSIOR DR.
SUITE 401
MADISON WI 53717-1914

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MAR 13 2007

OFFICE OF PETITIONS

In re Application of	:	
Teresa Compton et al	:	
Application No. 11/372,840	:	DECISION GRANTING PETITION
Filed: March 10, 2006	:	UNDER 37 CFR 1.137(b)
Attorney Docket No.	:	
09820378/P05279US	:	

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

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an executed 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 April 7, 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

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SYNNESTVEDT & LECHNER LLP
ELAN CORPORATION PLC
1101 MARKET STREET
SUITE 2600
PHILADELPHIA, PA 19107-2950

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SEP 15 2006

OFFICE OF PETITIONS

In re Application of :
Devane, Stark, Fanning, Rekhi, Jenkins, and Liversidge :
Application No.: 11/372,857 : DECISION REFUSING
Filed: March 10, 2006 : RULE 47(a) STATUS
Attorney Docket No: P26522-G US1 :
For: MULTIPARTICULATE MODIFIED RELEASE COMPOSITION

This is a decision on the petition under 37 CFR 1.47(a) filed June 26, 2006.

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

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

The above-identified application was filed on March 10, 2006, without a properly executed declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on April 6, 2006, indicating that a proper declaration executed was required as well as a surcharge of $130.00 for the late filing of the same. On June 26, 2006, the instant petition was filed, along with a request for an extension of time within the first month.

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

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

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

(3) the petition fee,

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

The instant petition lacks item (1) and (2) as set forth above.

As to item (1), petitioner has not established that a diligent effort was made to locate inventor Fanning. The petition only states that the complete application papers were sent to the last known address for inventor Bailey, as obtained from his previous employer, to which no response was received. As part of the diligence requirement, petitioner must make reasonable efforts to find the most current address for the non-signing inventor and detail those efforts as part of the petition. The evidence is not convincing that diligence requirement has been satisfied. Petitioner is not required to affirmatively locate the non-signing inventor, but must demonstrate that efforts were made toward that end. Further to this point, Section 409.03(d) of the *Manual of Patent Examining Procedure* (MPEP) provides, in pertinent, part that:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as **internet searches**, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement.
> The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

As to item (2), it is noted that the declaration filed with the petition has a strike-through in the signature block for inventor Stark. Section 602.01 of the MPEP provides, in pertinent part, that:

> **602.01 Oath Cannot Be Amended**
>
> The wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. If the wording is not correct or if all of the required affirmations have not been made, or if it has not been properly subscribed to, a new oath or declaration must be required. However, in some cases, a deficiency in the oath or declaration can be corrected by a supplemental paper such as an application data sheet (see 37 CFR 1.76 and MPEP § 601.05) and a new oath or declaration is not necessary. See 37 CFR 1.63(c)(1) and (c)(2).

The renewed petition must be accompanied by an oath or declaration containing and unaltered and executed signature block for inventor Stark.

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

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

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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ELAN CORPORATION PLC
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SUITE 2600
PHILADELPHIA, PA 19107-2950

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DEC 13 2006
OFFICE OF PETITIONS

In re Application of :
Devane, Stark, Fanning, Rekhi, Jenkins, and Liversidge :
Application No.: 11/372,857 : DECISION ACCORDING
Filed: March 10, 2006 : RULE 47(a) STATUS
Attorney Docket No: P26522-G US1
Invention: **MULTIPARTICULATE MODIFIED RELEASE COMPOSITION**

This is in response to the renewed petition under 37 CFR 1.47(a), filed November 20, 2006.

The renewed petition is **GRANTED**.

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

The above-cited application was filed on March 10, 2006, without a properly executed declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on April 6, 2006, allowing a shortened period for reply of two months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). The notice required a proper oath or declaration to be filed and payment of a surcharge. A petition under 37 CFR 1.47 was filed on June 26, 2006, and dismissed by a decision mailed September 15, 2006.

Petitioner has shown that inventor Fanning cannot be located to join the prosecution of the application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

This application will be forwarded to the Office of Initial Patent Examination for further processing. The Office of Initial Patent Examination should check the declaration filed June 26, 2006, and determine whether it is compliant with 37 CFR 1.63.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 05/25/2010

Applicant	: Martin E. Fermann	: DECISION ON REQUEST FOR
Patent Number	: 7649915	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/372,859	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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Alexandria, VA 22313-1450
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COOLEY GODWARD KRONISH LLP
3000 EL CAMINO REAL
5 PALO ALTO SQUARE
PALO ALTO, CA 94306

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DEC 0 1 2006

OFFICE OF PETITIONS

In re Application of
SCHMIDT, et al.
Application No. 11/372,866
Filed: March 09, 2006
Attorney Docket No. SILI-006/00US

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 11, 2006.

The request is **APPROVED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6825.

Patricia Volpe
Petitions Examiner
Office of Petitions

cc: BRIAN K. SCHMIDT
3370 KENZO COURT
MOUNTAIN VIEW, CA 94040

cc: ED TAYLOR
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

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WALL & TONG, LLP/
ALCATEL-LUCENT USA INC.
595 SHREWSBURY AVENUE
SHREWSBURY, NJ 07702

Mail Date: 07/02/2010

Applicant	: Fang Hao	: DECISION ON REQUEST FOR
Patent Number	: 7639611	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/372,898	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **932** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

Mail Date: 04/21/2010

Applicant	: Duane B. Kutsch	: DECISION ON REQUEST FOR
Patent Number	: 7600654	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/372,913	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/10/2006	: 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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/372,933	03/09/2006	2853	1360	65052 (48882)	11	6	3

CONFIRMATION NO. 6303

CORRECTED FILING RECEIPT

OC000000019080913

21874
EDWARDS & ANGELL, LLP
P.O. BOX 55874
BOSTON, MA 02205

Date Mailed: 06/02/2006

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)

Hiroshi Kawano, Nara, JAPAN;
Shinji Imagawa, Nara, JAPAN;
Katsuhiro Nagayama, Nara, JAPAN;
Takashi Usui, Kyoto, JAPAN;

Assignment For Published Patent Application

Sharp Kabushiki Kaisha, Osaka, JAPAN

Power of Attorney: The patent practitioners associated with Customer Number **21874**.

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN 2005-65584 03/09/2005
If Required, Foreign Filing License Granted: 04/26/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/372,933

Projected Publication Date: 09/14/2006

Non-Publication Request: No

Early Publication Request: No

Title

Image forming apparatus

Preliminary Class

347

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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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

Mail Date: 07/20/2010

Applicant	: Gordon Kent Walker	: DECISION ON REQUEST FOR
Patent Number	: 7649874	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/372,941	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **587** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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.
11/372,951	03/10/2006	Jae-Hun Cho	5000-1-852	5963

7590 09/05/2008

CHA & REITER, LLC
210 ROUTE 4 EAST STE 103
PARAMUS, NJ 07652

EXAMINER	
SHARMA, GAUTAM	

ART UNIT	PAPER NUMBER
4143	

MAIL DATE	DELIVERY MODE
09/05/2008	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.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 09/08/2008 BPOWELL
03/14/2006 FMETEKI1 00000058 11372951
02 FC:1111 -500.00 OP
04 FC:1202 -400.00 OP

Refund Ref:
09/08/2008 0030060774

Credit Card Refund Total: $510.00

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File A-71875-001/05 MSS/RLM
Due Date 10-22-2006
Type Renewed Pet. Refs
477077-303

Paper No. None

Tianjun Hou
DORSEY & WHITNEY LLP
Suite 1000
555 California Street
San Francisco CA 94104-1513

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AUG 22 2006
OFFICE OF PETITIONS

In re Application of
Pavel I. Lazarev et al.
Application No. 11/372,960
Filed: March 9, 2006
Attorney Docket No. A-71875-1
(477077-303)
Title: ELECTROOPTICAL DEVICES, ELECTROOPTICAL THIN CRYSTAL FILMS AND METHODS MAKING SAME

DECISION ON PETITION

This is a decision on the petition under 37 C.F.R. §1.182, submitted on May 15, 2006, requesting that the above-identified application be accorded a filing date of March 9, 2006, with Figures eight and nine as part of the original disclosure of the application.

The application was deposited on March 9, 2006. However, on April 10, 2006, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Nonprovisional Application - Filing Date Granted" (notice) stating that the application had been accorded a filing date, and advising applicants that it appeared as though the application was deposited without Figures eight and nine. The notice set a two-month period for response.

On May 15, 2006, the present petition was filed, along with a copy of Figures eight and nine and a fully executed declaration which is associated with another application, 10/295,376. The

petition fee of $400 has been charged to Petitioner's Deposit Account, as authorized in the petition.

On the second page of this petition, Petitioner sets forth that application number 10/295,376 is "a parent application of the subject application, and to which the subject application claims priority." Petitioner has not specifically stated what redress he seeks. However, based on the above sentence, it appears that he is attempting to procure the original filing date while asserting that although the drawings were not included on filing, they were constructively included, through incorporation by reference.

The Office allows an applicant to rely upon an incorporation by reference of a parent application when a portion of the child application has been inadvertently omitted. The Utility Patent Application Transmittal sheet indicates that the present application is a divisional of prior application 10/295,376. However, the Utility Patent Application Transmittal sheet does not indicate that the entire disclosure of the parent application is incorporated by reference. It is further noted that the first sentence of the specification fails to mention any continuity data. See MPEP §201.06(c)(IV).

Since Petitioner has failed to incorporate the entire disclosure of the patent application, he cannot rely upon an incorporation by reference of the parent application when the drawings of the child application have been inadvertently omitted.

For this reason, the petition under 37 C.F.R §182 is **DISMISSED**.

OIPE will be made aware of this decision. The application will receive a filing date of March 9, 2006, however, Figures eight and nine, submitted with the present petition will not be entered. The original application papers will include only those application papers present on the date of deposit.

The petition fee of $400.00 will not be refunded, as this petition was not necessitated by any error on the part of the Office.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. 1.182". This is not a final agency action within the meaning of 5 U.S.C 704.

If Petitioner wishes to have Figures eight and nine made a part of the present application, he may wish to consider filing an amendment directing their entry on renewed petition, along with an indication that the Office should accord a filing date of May 15, 2006 to the present application.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[1], hand-delivery[2], or facsimile[3].

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[4]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300- please note this is a central facsimile number.
4 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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OFFICE OF PETITIONS

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

In re Application of :
Pavel I. Lazarev et al. :
Application No. 11/372,961 : DECISION ON PETITION
Filed: March 9, 2006 :
Title: ELECTROOPTICAL DEVICES, :
ELECTROOPTICAL THIN CRYSTAL FILMS :
AND METHODS MAKING SAME :

This is a decision on the "Submission Under 37 C.F.R. § 1.57," filed January 22, 2007, requesting that the above-identified application be accorded a filing date of March 9, 2006, with Figures eight and nine as part of the original disclosure of the application.

The petition is **DISMISSED**.

The application was deposited on March 9, 2006. However, on April 10, 2006, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Nonprovisional Application - Filing Date Granted" (notice) stating that the application had been accorded a filing date, and advising applicants that it appeared as though the application was deposited without Figures eight and nine. The notice set a two-month period for response.

On May 15, 2006, a petition pursuant to Rule § 1.182 was filed, which was dismissed via the mailing of a decision on August 22, 2006.

On January 22, 2007, Petitioner filed the present petition, along with a three-month extension of time in order to make this response timely. Petitioner further included a copy of Figures 8 and 9, and asserted that although these drawings were inadvertently omitted on filing, the specification of the present application incorporates by reference application 10/295,376, of which the present application is a divisional. Consequently, Petitioner has requested that the Office accord a filing date of March 9, 2006 to both the present application and Figures 8 and 9, provided both on May 15, 2006 and with the present petition, as these Figures are present in application 10/295,376.

The present request cannot be granted, for the following two reasons.

First, Rule § 1.57(a)(3) sets forth, *in toto*:

> 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).

As such, if an application is entitled to a filing date, Rule 57 is not a petitionable matter. Since the present application was accorded a filing date, the present petition is inappropriate.

Secondly, 37 C.F.R. § 1.78(a)(2)(iii) sets forth, *in toto*:

> If the later-filed application is a nonprovisional application, the reference required by this paragraph 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.

MPEP § 201.11A, Reference to Prior Nonprovisional Applications, also admonishes:

> When a nonprovisional application (other than a CPA) is entitled under 35 U.S.C. 120 to an earlier U.S. effective filing date, a statement such as "This is a divisional (or continuation, or continuation-in-part, as appropriate) application of Application No. ---, filed ---" should appear as the first sentence(s) of the specification or in an application data sheet, except in the case of design applications where it should appear as set forth in MPEP § 1504.20. (Emphasis supplied).

Rule § 1.57 as drafted requires a claim under 37 CFR 1.78 (or a claim under 37 C.F.R. § 1.55) that was present on the filing date to be considered an incorporation by reference of the prior-filed application as to inadvertently omitted portion. (Emphasis supplied).

In this instance, the priority claim for application 10/295,376 was not set forth in the specification. While a divisional was referenced in an Application Data Sheet ("ADS"), the application number is not included and it cannot be considered a proper nor adequate priority claim. See MPEP § 201.11(III)(D)[1]. As such, the priority claim failed to comply with 37 C.F.R. § 1.78, and incorporation pursuant to 37 C.F.R. § 1.57(a) is not available.

However, MPEP § 601.01(f) provides:

> As an alternative to a petition under 37 CFR 1.53(e), if the drawing(s) was inadvertently omitted from an application filed on or after September 21, 2004, and 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 drawing(s) is completely contained in the prior-filed application, the applicant may submit the omitted drawing(s) by way of an amendment in compliance with 37 CFR 1.57(a). The amendment must be by way of a petition under 37 CFR 1.57(a)(3) accompanied by the petition fee set forth in 37 CFR 1.17(f). See MPEP § 201.17. (Emphasis supplied).

37 C.F.R. § 1.57(a), incorporation by reference, provides a method whereby an applicant may amend an application to include an inadvertently omitted portion of the specification or drawing(s). However, where a filing date has been accorded to an application, a petition is not necessary to add the omitted portion of the specification or drawing(s). "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)." 37 CFR 1.57(a)(3). (Emphasis supplied). See also § MPEP 201.17(F).

MPEP § 201.06(c)(IV)(B) also provides:

> …37 CFR 1.57(a) was added to provide a safeguard for applicants when a page(s) of the specification, or a portion

1 "Even if the Office has recognized a benefit claim by entering it into the Office's database and including it on applicant's filing receipt, the benefit claim is not a proper benefit claim under 35 U.S.C. 119(e) or 35 U.S.C. 120 and 37 CFR 1.78 unless the reference is included in an ADS or in the first sentence(s) of the specification and all other requirements are met."

> thereof, or a sheet(s) of the drawing(s), or a portion thereof, is inadvertently omitted from an application, such as through a clerical error. 37 CFR 1.57(a) applies to applications filed on or after September 21, 2004. 37 CFR 1.57(a) permits inadvertently omitted material to be added to the application by way of a later filed amendment if the inadvertently omitted portion of the specification or drawing(s) is completely contained in a prior-filed application (for which priority/benefit is claimed) even though there is no explicit incorporation by reference of the prior-filed application. See MPEP § 201.17 for discussion regarding 37 CFR 1.57(a). See MPEP § 601.01(p). (Emphasis supplied).

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. 1.57." 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[2], hand-delivery[3], or facsimile[4]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[5].

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to Senior Attorney Paul Shanoski at (571) 272-3225[6]. All other

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2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
4 (571) 273-8300- please note this is a central facsimile number.
5 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
6 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

Charles Pearson
Director
Office of Petitions
United States Patent and Trademark Office

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File A-71875-001/05 MSS/RLM
Due Date 10-22-2006
Type Renewed Pet. Refs
477077-303

Paper No. None

Tianjun Hou
DORSEY & WHITNEY LLP
Suite 1000
555 California Street
San Francisco CA 94104-1513

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In re Application of
Pavel I. Lazarev et al.
Application No. 11/372,960
Filed: March 9, 2006
Attorney Docket No. A-71875-1
(477077-303)
Title: ELECTROOPTICAL DEVICES, ELECTROOPTICAL THIN CRYSTAL FILMS AND METHODS MAKING SAME

DECISION ON PETITION

This is a decision on the petition under 37 C.F.R. §1.182, submitted on May 15, 2006, requesting that the above-identified application be accorded a filing date of March 9, 2006, with Figures eight and nine as part of the original disclosure of the application.

The application was deposited on March 9, 2006. However, on April 10, 2006, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Nonprovisional Application - Filing Date Granted" (notice) stating that the application had been accorded a filing date, and advising applicants that it appeared as though the application was deposited without Figures eight and nine. The notice set a two-month period for response.

On May 15, 2006, the present petition was filed, along with a copy of Figures eight and nine and a fully executed declaration which is associated with another application, 10/295,376. The

petition fee of $400 has been charged to Petitioner's Deposit Account, as authorized in the petition.

On the second page of this petition, Petitioner sets forth that application number 10/295,376 is "a parent application of the subject application, and to which the subject application claims priority." Petitioner has not specifically stated what redress he seeks. However, based on the above sentence, it appears that he is attempting to procure the original filing date while asserting that although the drawings were not included on filing, they were constructively included, through incorporation by reference.

The Office allows an applicant to rely upon an incorporation by reference of a parent application when a portion of the child application has been inadvertently omitted. The Utility Patent Application Transmittal sheet indicates that the present application is a divisional of prior application 10/295,376. However, the Utility Patent Application Transmittal sheet does not indicate that the entire disclosure of the parent application is incorporated by reference. It is further noted that the first sentence of the specification fails to mention any continuity data. See MPEP §201.06(c)(IV).

Since Petitioner has failed to incorporate the entire disclosure of the patent application, he cannot rely upon an incorporation by reference of the parent application when the drawings of the child application have been inadvertently omitted.

For this reason, the petition under 37 C.F.R §182 is **DISMISSED**.

OIPE will be made aware of this decision. The application will receive a filing date of March 9, 2006, however, Figures eight and nine, submitted with the present petition will not be entered. The original application papers will include only those application papers present on the date of deposit.

The petition fee of $400.00 will not be refunded, as this petition was not necessitated by any error on the part of the Office.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. 1.182". This is not a final agency action within the meaning of 5 U.S.C 704.

If Petitioner wishes to have Figures eight and nine made a part of the present application, he may wish to consider filing an amendment directing their entry on renewed petition, along with an indication that the Office should accord a filing date of May 15, 2006 to the present application.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[1], hand-delivery[2], or facsimile[3].

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[4]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300- please note this is a central facsimile number.
4 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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1250 CONNECTICUT AVENUE NW
SUITE 700
WASHINGTON, DC 20036

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OFFICE OF PETITIONS

In re Application of :
Pavel I. Lazarev et al :
Application No. 11/372,961 : DECISION GRANTING PETITION
Filed: May 15, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 072259A :

This is a decision on the petition, filed September 5, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2873 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

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

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OFFICE OF PETITIONS

In re Application of

Vasudevan, et al.

Application No. 11/372,967

Filed: March 10, 2006

Attorney Docket No. 200506804-1

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed March 19, 2009.

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

This application was held abandoned on December 18, 2008, after it was believed that no response was received to the final Office action mailed September 17, 2008. The notice allowed a shortened statutory period for reply of three (3) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on March 2, 2009, indicating that a Request for Continued Examination (RCE) was received, but the fee required by 37 CFR 1.114 was not present.

A review of the application file record did reveal that a RCE was filed February 11, 2009. The RCE was accompanied by an Information Disclosure Statement and an authorization to charge a deposit account for the fee for the RCE and other fees deemed necessary. Deposit account 08-2025 was charged $810.00 for the RCE on February 11, 2009. The deposit account was also charged $130.00 for a request for an extension of time within the first month. In order for the RCE to be considered timely, an extension of time within the second month is necessary, however. Deposit account 08-2025 will be charged an additional $360.00 accordingly. Based on the aforementioned, it appears that the application was improperly held abandoned as a response was received prior to expiration of the statutory period for reply. The holding of abandonment is withdrawn, accordingly.

The application file is being forwarded Technology Center 2800, GAU 2853, for further processing, including processing of the RCE filed February 11, 2009.

Further inquires regarding this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of

Vasudevan, et al.

Application No. 11/372,967

Filed: March 10, 2006

Attorney Docket No. 200506804-1

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed March 19, 2009.

The decision mailed April 13, 2009, is **VACATED.**

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

A review of the application file history reveals that a final Office action was mailed September 17, 2008, allowing a shortened statutory period for reply of three months from its mailing date. On November 11, 2008, a Notice of Appeal was filed and was followed by the filing of an Appeal Brief on January 9, 2009. On February 11, 2009, a Request for Continued Examination (RCE) was filed with the appropriate fee, an Information Disclosure Statement (IDS), and a general authorization to charge a deposit account for the extension of time within the second month necessary to make the RCE timely. A Notice of Abandonment was mailed on March 2, 2009, indicating that the application is abandoned and stating specifically that:

> [a] request for continued examination under 37 CFR 1.114 was filed in this application on 2/11/2009, after appeal to the Board of Patent Appeals and Interferences. Therefore, the appeal has been withdrawn pursuant to 37 CFR 1.114. The request however, lacks the fee required by 37 CFR 1.17(e) and/or the submission required by 37 CFR 1.114. Since the proceedings as to the rejected claims are considered terminated, and no claim is allowed, the application is abandoned. See MPEP 1215.01.

Excerpt from Notice of Abandonment mailed March 2, 2009,

The instant petition was filed on March 19, 2009, arguing that the imposition of the holding of abandonment was improper and should be withdrawn. Petitioner's argument was based on the premise that the application was held abandoned because the fee required by 1.17(e) was allegedly not present when the RCE was filed. Petitioner made no argument as to the sufficiency of the submission required by 37 CFR 1.114, i.e., the Information Disclosure Statement filed February 11, 2009.

It is noted that the Notice of Abandonment indicates that the application was abandoned because the RCE lacked the fee required by 37 CFR 1.17(e) and/or the submission required by 37 CFR 1.114. It is noted that the fee for the Request for Continued Examination, as authorized by 37 CFR 1.117(e), was charged on February 11, 2009, along with a request for an extension of time within the second month[1]. Accordingly, the lack of the fee under 37 CFR 1.17(e) was not reason the application became abandoned. The application became abandoned because the submission that accompanied the RCE, i.e, the IDS, was not proper. Further to this point, Section 1215.01, of the Manual of Patent Examining Procedure states, in pertinent part, that:

> Prior to a decision by the Board, if an applicant wishes to withdraw an application from appeal and to reopen *prosecution of the application, applicant can file a request for continued examination (RCE) under 37 CFR 1.114, accompanied by a submission (i.e., a reply responsive within the meaning of 37 CFR 1.111 to the last outstanding Office action) and the RCE fee set forth under 37 CFR 1.17(e). Note that the RCE practice under 37 CFR 1.114 does not apply to utility or plant patent applications filed before June 8, 1995, design applications, or reexamination proceedings. See 37 CFR 1.114(d) and MPEP § 706.07(h), paragraph X, for more details. An appeal brief or reply brief (or related papers) is not a submission under 37 CFR 1.114, unless the transmittal letter of the RCE contains a statement that incorporates by reference the arguments in a previously filed appeal brief or reply brief. See MPEP § 706.07(h), paragraph II. The filing of an RCE will be treated as a withdrawal of the appeal by the applicant, regardless of whether the RCE includes the appropriate fee or a submission. Therefore, when an RCE is filed without the appropriate fee or a submission in an application that has no allowed claims, the application will be considered abandoned. To avoid abandonment, the RCE should be filed in compliance with 37 CFR 1.114. See MPEP § 706.07(h), paragraphs I-II.

It is further noted that 37 CFR 1.111(b) provides that:

> (b) In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout to be a *bona fide* attempt to advance the application or the reexamination proceeding to final

[1] It is noted that the USPTO initially charged deposit account 08-2025 for an extension of time within the first month. A review of the application file history reveals that the Notice of Appeal was filed November 10, 2008, from which applicant had an extendable period during which to file an appeal brief, of two months from the filing date of the Notice of Appeal. The RCE was not filed until February 11, 2009. Accordingly, an extension of time within the second month was necessary to make the RCE timely.

> action. 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.

At the time the Request for Continued Examination (RCE) was filed, the application contained no allowable claims. The RCE is required to be accompanied by a submission, which might include, but is not limited to, an IDS, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. See 37 CFR 1.114(c). It is noted that 37 CFR 1.114(c) specifically states that, "[i]f a reply to an Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of § 1.111." The IDS could not be considered a submission that was responsive, within the meaning of 37 CFR 1.111, to the final Office action mailed September 17, 2008, as the IDS did not distinctly and specifically point out the supposed errors in the examiner's action and reply to every ground of objection and rejection in the prior Office action. Nor did the IDS present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references as would be required of a reply that is fully responsive within the meaning of 37 CFR 1.111. Because, in this instance, the IDS was not a proper submission pursuant to 37 CFR 1.114(c) or 37 CFR 1.111 andthere were no allowable claims on February 11, 2009, the application was properly held abandoned on February 11, 2009. The petition is dismissed accordingly.

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b) (enclosed). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee ($1,620.00 for a large entity and $810.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

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

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

Further inquires regarding this decision may be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

Anthony Knight
Supervisor
Office of Petitions

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OFFICE OF PETITIONS

In re Application of

Vasudevan, et al.

Application No. 11/372,967

Filed: March 10, 2006

Attorney Docket No. 200506804-1

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 5, 2009.

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

This application was held abandoned on December 18, 2008, after it was believed that no response was received to the final Office action mailed September 17, 2008. The notice allowed a shortened statutory period for reply of three (3) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on March 2, 2009.

The Notice of Appeal filed June 5, 2009[1].

The Appeal Brief filed June 5, 2009, is noted.

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

[1] It is noted that the petition and the Notice of Appeal are contained in the same paper. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office. Applicant is cautioned to adhere to the guidance of 37 CFR 1.4(c) with future filings.

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.

Deposit account 08-2025 will be charged $1,620.00 for the petition fee, $540.00 for the Notice of Appeal, and $540.00 for the appeal brief.

The application file is being forwarded Technology Center 2800, GAU 2853, for further processing.

Further inquires regarding this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED
MAR 09 2010

In re Application of	:	
Kai Y. Eng et al	:	
Application No. 11/372,986	:	DECISION ON PETITION
Filed: March 10, 2006	:	TO WITHDRAW
Attorney Docket No. 665/3	:	FROM RECORD
	:	

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, 2009 and resubmitted on January 13, 2010.

The request is **APPROVED**.

The request was signed by Matthew B. Dernier on behalf of the practitioners of record associated with Customer Number 27538.

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

All future correspondence will be directed to assignee Boro Networks, Inc. at the address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Boro Networks, Inc.
54 Pape Drive
Atlantic Highland, NJ 07716

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
11/372,986	03/10/2006	Kai Y. Eng	665/3

CONFIRMATION NO. 3717

POWER OF ATTORNEY NOTICE

27538
GIBSON & DERNIER LLP
900 ROUTE 9 NORTH
SUITE 504
WOODBRIDGE, NJ 07095

OC000000040445027

Date Mailed: 03/08/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/30/2009.

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

/idingle/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/372,986	03/10/2006	Kai Y. Eng	665/3

CONFIRMATION NO. 3717

Boro Networks, Inc.
54 Pape Drive
Atlantic Highland, NJ 07716

POA ACCEPTANCE LETTER

OC000000040445028

Date Mailed: 03/08/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/30/2009.

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

/idingle/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER CO 80202

MAILED

JAN 12 2010

OFFICE OF PETITIONS

In re Application of	:	
John R. DORGAN, et al	:	
Application No. 11/372,987	:	DECISION ON PETITION
Filed: March 10, 2006	:	TO WITHDRAW
Attorney Docket No. 4843-15	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed November 21, 2009.

The request is **NOT APPROVED.**

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that Robert D. Traver does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

/Diane Goodwyn/
Diane Goodwyn
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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APR 15 2010

OFFICE OF PETITIONS

EXPRO METERS, INC.
50 BARNES PARK NORTH
WALINGFORD CT 06492

In re Application of :
Michael A. DAVIS :
Application No. 11/373,038 : DECISION ON PETITION
Filed: March 10, 2006 :
Attorney Docket No. **CC-0849** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 18, 2010 and re-submitted on April 09, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 06, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed October 06, 2009. Accordingly, the date of abandonment of this application is January 07, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1510 and the publication fee of $300, (2) the petition fee of $1620; and (3) a proper statement of unintentional delay. Accordingly, the Issue Fee is accepted as having been unintentionally delayed.

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

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

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

In re Application of	:	
KIM, Daniel H. et al.	:	
Application No. 11/373,059	:	DECISION ON PETITION
Filed: March 10, 2006	:	TO WITHDRAW
Attorney Docket No. **SPVW-002**	:	FROM RECORD
	:	

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 06, 2007.

The request is **APPROVED**.

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

The request was signed by G. Peter Albert, Jr. on behalf of all attorneys of record who are associated with customer No. 24353. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no outstanding office actions at this time.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **DANIEL H. KIM**
411 LOS NINOS WAY
LOS ALTOS, CA 94022

cc: **JASON HUANG, ESQ.**
PATTERSON & SHERIDAN LLP
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON, TX 77056

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/373,059	03/10/2006	Daniel H. Kim	SPVW-002

CONFIRMATION NO. 4747

OC000000024725462

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

Date Mailed: 07/09/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/06/2007.

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

Michelle R. Eason

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

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BURR & BROWN
PO BOX 7068
SYRACUSE, NY 13261-7068

Mail Date: 06/09/2010

Applicant	: Tomoya Kawashima	: DECISION ON REQUEST FOR
Patent Number	: 7643110	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/373,065	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **508** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Brooks Kushman P.C.
1000 Town Center
Twenty-Second Floor
Southfield, MI 48075

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OFFICE OF PETITIONS

In re Application of	:	
Richard J. Ditzik	:	
Application No. 11/373,075	:	DECISION ON PETITION
Filed: March 10, 2006	:	TO WITHDRAW
Attorney Docket No. DITZ 0102 PUS1	:	FROM RECORD
	:	

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 10, 2009.

The request is **APPROVED**.

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

The request was signed by John E. Nemazi 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 John E. Nemazi at the address indicated below.

There is an outstanding Office action mailed February 26, 2009 that requires a reply from the applicant.

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

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Richard J. Ditzik c/o**
NetAirus Systems
307 Surrey Drive
Bonita, CA 91902

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
11/373,075	03/10/2006	Richard J. Ditzik	DITZ 0102 PUS1

CONFIRMATION NO. 6335

22045
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

POWER OF ATTORNEY NOTICE

OC000000035881023

Date Mailed: 05/08/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/10/2009.

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

/tswilliams/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/373,091	03/13/2006	Shuichi Seki	062245

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

DATE MAILED: July 9, 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 June 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. Debnam
Pre-Grant Publication Division

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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LITMAN LAW OFFICES, LTD
P.O. BOX 15035
CRYSTAL CITY STATION
ARLINGTON, VA 22215

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JUL 12 2006

OFFICE OF PETITIONS

In re Application of :
David J. Morrison :
Application No. 11/373,094 : DECISION ON PETITION
Filed: March 13, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. 17433.09 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 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 David J. Morrison 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 3712 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ARNOLD & PORTER LLP
ATTN: IP DOCKETING DEPT.
555 TWELFTH STREET, N.W.
WASHINGTON DC 20004-1206

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OCT 07 2009

OFFICE OF PETITIONS

In re Application of	:	
Edward S. Stone	:	DECISION ON PETITION
Application No. 11/373,129	:	TO WITHDRAW
Filed: March 13, 2006	:	FROM RECORD
Attorney Docket No. P30726US01	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 19, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on August 19, 2009 is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, 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(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.

It is not apparent that petitioner has complied fully with item (1) of the above certifications. It is suggested that petitioner submit a properly completed PTO/SB/83 (effective date May 12, 2008), which provides a section wherein practitioners may certify the completion of the above-listed activities necessary for the request to withdraw from representation to be granted.

Further, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

A review of current USPTO records does not list any recorded assignment concerning the above-identified application. Therefore, as there is currently no Statement under 37 CFR 3.73(b) currently of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

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 May 12, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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ARNOLD & PORTER LLP
ATTN: IP DOCKETING DEPT.
555 TWELFTH STREET, N.W.
WASHINGTON DC 20004-1206

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DEC 0 3 2009

OFFICE OF PETITIONS

In re Application of	:	
Edward S. Stone	:	DECISION ON PETITION
Application No. 11/373,129	:	TO WITHDRAW
Filed: March 13, 2006	:	FROM RECORD
Attorney Docket No. P30726US01	:	

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 11, 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 Kristen O. Riemenschneider on behalf of all attorneys of record who are associated with Customer No. 28381.

All attorneys/agents associated with Customer Number 28381 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 May 12, 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

cc: Edward S. Stone
77 Hobson Street (c/o Stone International LLC)
Stamford CT 06902-8113

3-6-09

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Patent No.: 7,470,998
Inventor(s): Katsuya Okumura, et. al.
Issued : December 30, 2008
Title : SEMICONDUCTOR DEVICE AND METHOD OF MANUFACTRUING THE SAME

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and or 1.323.

Title page, item [75] inventor: "Kazuyu Nagaseki" is printed in accordance with the record.

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

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

Smith, Gambrell & Russell, LLP
1130 Connecticut Ave., NW, #1130
Washington, DC 20036

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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DEC 11 2008

In re Application of	:	
Takeshi Yokouchi, et al.	:	
Application No. 11/373,166	:	DECISION GRANTING PETITION
Filed: March 13, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 271055US26	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 9, 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 November 7, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2836 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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : AUGUST 15, 2007

TO SPE OF : ART UNIT 2625

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/373,170 Patent No.: 7184165

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: _____

_____

_____

_____

_____

SPE

2627
Art Unit

00862.022418.1 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:	)	
	:	Examiner: Andrew H. LAM
Yasuo MORI et al.	)	
	:	Group Art Unit: 2625
Application No.: 11/373,170	)	
	:	Confirmation No.: 5983
Filed: March 13, 2006	)	
	:	
For: INFORMATION PROCESSING APPARATUS AND METHOD FOR GENERATING PRINT DATA TO BE PRINTED IN A PRINTER THAT INPUTS DOCUMENT DATA CONTAINING PAGE DATA OF FIRST AND SECOND SIZES, AND STORAGE MEDIUM EMBODYING A PROGRAM FOR EXECUTING THE METHOD	)	
	:	
U.S. Patent No.: 7,184,165 B2	)	
	:	
Issued: February 27, 2007	)	August 2, 2007

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

CERTIFICATE OF CORRECTION
UNDER RULES 322 AND 323

Sir:

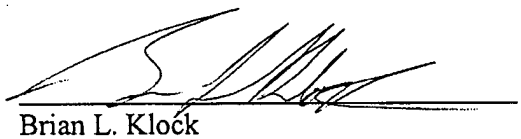
It is respectfully requested that a Certificate of Correction be issued by the Patent and Trademark Office due to errors which appear in the printed patent as a result of Patent and Trademark Office mistakes, and mistakes of a clerical, typographical, or minor character, which

were not the fault of the Patent and Trademark Office. A Certificate of Correction form, in duplicate, is enclosed.

The $100.00 statutory fee for such Certificate of Correction is being submitted electronically.

Patentees' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Brian L. Klock
Attorney for Patentees
Registration No.: 36,570

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

BLK:lcw

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PRINTER'S TRIM LINE

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 7,184,165 B2

DATED : February 27, 2007

INVENTOR(S) : Yasuo MORI et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Front Cover Page -

(57) Abstract, line 14, "print data" should be deleted.

Col. 1, line 25, "the" should read --to the--.

Col. 2, line 31, "respect" should read --respect to--.

Col. 6, line 1, "bock" should read --block--.

Col. 10, line 42, "specific one" should read --one specific--.

Col. 11, line 62, "head/" should read --header/--.

Col. 12, line 60, "which" should read --which are--.

Col. 14, line 17, "corresponding" should read --corresponds--; and

line 48, "serves" should read --servers--.

Col. 16, line 19, "performing" should read --performs--.

Col. 18, line 62, "includes" should read --include--.

Col. 19, line 23, "given" should read --given job--.

Col. 25, line 8, "(End." should read --(End--.

Col. 27, line 18, "recognize," should read --recognize it,--.

MAILING ADDRESS OF SENDER:

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
(212) 218-2100 - Telephone
(212) 218-2200 - Facsimile

PATENT NO. 7,184,165 B2

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CERTIFICATE OF CORRECTION

PATENT NO. : 7,184,165 B2

DATED : February 27, 2007

INVENTOR(S) : Yasuo MORI et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Col. 27, line 24, "The" should read --the--.

Col. 29, line 53, "subjected" should read --subjected to--.

Col. 31, line 2, "results-" should read --results--;

line 29, "pages." should read --page.--; and

line 36, "advance" should read --advances--.

Col. 35, line 12, "handed" should read --handled--; and

"A" should read --a--; and

line 44, "page" should read --pages--.

Col. 38, line 62, "position" should read --positions--.

Col. 40, line 61, "instead" should read --instead of--.

Col. 41, line 53, "difference" should read --different--.

Col. 42, line 22, "in page in" should read --in--.

Col. 44, line 7, "range. The" should read --range, the--; and

line 15, "If it is" should read --It may be--..

Col. 46, line 20, "claim 1" should read --claim 1, wherein--; and

line 45, "size" (first occurrence) should read --the size--.

Col. 47, line 27, "size" (first occurrence) should read --the size--.

FCHS_WS 1467073v1

MAILING ADDRESS OF SENDER:

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PATENT NO. 7,184,165 B2

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Form PTO 1050 (Rev. 3-82)
(Form#30)

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OFFICE OF PETITIONS

VERIZON
PATENT MANAGEMENT GROUP
1320 North Court House Road
9th Floor
ARLINGTON, VA 22201-2909

In re Application of Angiolillo et al. :
Application No. 11/373,178 : Decision on Petition
Filing Date: March 13, 2006 :
Attorney Docket No. 05-8006 :

This is a decision on the petition, filed September 2, 2009, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant non-provisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on March 12, 2007. 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. As a result, 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 the above statute and 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 March 11, 2009, accompanies this decision on petition.

Technology Center Art Unit 2423 will be informed of the instant decision and the application will be further examined 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

Enclosure: Notice Regarding Rescission of Nonpublication Request

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/373,178	03/13/2006	Joel Angiolillo	05-8006

CONFIRMATION NO. 5990

25537
VERIZON
PATENT MANAGEMENT GROUP
1320 North Court House Road
9th Floor
ARLINGTON, VA 22201-2909

NONPUBLICATION RESCISSION LETTER

Date Mailed: 12/01/2009

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

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

The projected publication date is 03/11/2010.

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

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

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

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

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

/scbrantley/

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

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BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH, VA 22040-0747

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MAR 13 2008

In re Application of :
Chih-Hsiang Ko, et. al. :
Application No. 11/373,186 : ON PETITION
Filed: March 13, 2006 :
Attorney Docket No. 0002-0066 :

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

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 11, 2007. A Notice of Abandonment was mailed on October 23, 2007.

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

This application file is being referred to Technology Center Art Unit 2883 for further processing.

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

Andrea Smith
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 24 2010

OFFICE OF PETITIONS

Teledyne Technologies Incorporated
c/o Eric Gifford
11770 E. Calle Del Valle
Tucson AZ 85749

In re Patent No. 7,589,390 :
Issue Date: September 15, 2009 :
Application No. 11/373,223 : DECISION ON PETITION
Filed: March 11, 2006 :
Attorney Docket No. **P23107** :

This is a decision on the petition filed, December 21, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the front page the above-identified patent by way of a certificate of correction.

The request is **GRANTED**.

Petitioner states that the correct assignee's name is "**Teledyne Licensing, LLC.**" Petitioner further states that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent.

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

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

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that "**Teledyne Licensing, LLC**" is the assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed.

Inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction.

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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MUNCY, GEISSLER, OLDS & LOWE, PLLC
PO BOX 1364
FAIRFAX, VA 22038-1364

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OCT 22 2009

OFFICE OF PETITIONS

In re Application of :
Thomas Gutbrod, et al. :
Application No. 11/373,246 : DECISION ON PETITION
Filed: March 13, 2006 : TO WITHDRAW
Attorney Docket No. 1005/0105PUS1 : FROM RECORD
:

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 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: PREH GMBH
AN DER STADTHALLE
D-97616 BAD NEUSTADT/SAALE,
GERMANY

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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ANTHONY EDWARDS
#153
13700 TAHITI WAY
MARINA DEL REY CA 90292

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JUN 22 2009

OFFICE OF PETITIONS

In re Application of
Edwards
Application No. 11/373,250
Filed: March 10, 2006
Attorney Docket No. Adding A Second Battery to the Equipment of Any Vehicle Which Requires A Battery To Start the Engine

DECISION ON PETITION

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

The petition 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 application was held abandoned for failure to submit a complete timely reply to the non-final Office action mailed October 14, 2008, which set a three (3) month shortened statutory period for reply. A reply in the form of an amendment, claims and specification was received in the Office on January 16, 2009. A Notice Requiring Extension of Time Fee was mailed on February 6, 2009. The Notice did not set a new time period for reply. A Notice of Abandonment was mailed April 28, 2009.

Petitioner contends a reply to the non-final Office action was mailed on January 13, 2009. Petitioner acknowledges that he failed to include a certification of the date that the response was placed in the mail. Petitioner has also provided a postcard receipt with a date stamp of January 16, 2009.

Pursuant to 37 CFR 1.8, 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 Office may require additional evidence to determine if the correspondence was timely filed.

(ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

Petitioner has failed to meet requirement of 37 CFR 1.8 because the reply did not include a certificate of mailing. The postcard receipt has a date stamp of s January 16, 2009. The postcard while not properly itemized shows that a reply was submitted on January 16, 2009. However, January 16, 2009 falls outside of the shortened statutory reply period, which ended on January 14, 2009. To make the reply timely a one month extension of time was required. Further, the record shows that petitioner failed to file a reply to the February 6, 2009 Notice.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b). The petition fee for a small entity is currently $810.00.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

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

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ANTHONY EDWARDS
#153
13700 TAHITI WAY
MARINA DEL REY CA 90292

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FEB 0 1 2010

In re Application of :
Edwards :
Application No. 11/373,250 : DECISION ON PETITION
Filed: March 10, 2006 :
Attorney Docket No. Adding A Second Battery :
to the Equipment of Any Vehicle Which
Requires A Battery To Start the Engine

This is a decision on the petition, filed August 3, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition 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 application was held abandoned for failure to submit a complete timely reply to the non-final Office action mailed October 14, 2008, which set a three (3) month shortened statutory period for reply. A reply in the form of an amendment, claims and specification was received in the Office on January 16, 2009. A Notice Requiring Extension of Time Fee was mailed on February 6, 2009. The Notice did not set a new time period for reply. A Notice of Abandonment was mailed April 28, 2009. A petition filed under 37 CFR 1.181 was dismissed on June 22, 2009.

Petitioner contends a reply to the non-final Office action was mailed on January 13, 2009. Petitioner acknowledges that he failed to include a certification of the date that the response was placed in the mail. Petitioner has also provided a postcard receipt with a date stamp of January 16, 2009.

Pursuant to 37 CFR 1.8, 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 Office may require additional evidence to determine if the correspondence was timely filed.

(ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

Petitioner has failed to meet requirement of 37 CFR 1.8 because the reply did not include a certificate of mailing. The postcard receipt has a date stamp of January 16, 2009. The postcard while not properly itemized[1] shows that the Office received documents on January 16, 2009, which falls outside of the shortened statutory period, which ended on January 14, 2009. To make the reply timely a one-month extension of time was required. Further, the record shows that petitioner failed to file a reply to the February 6, 2009 Notice. The submission of the postal receipt dated January 13, 2009 can not overcome the lack of certificate of mailing and an improperly itemized postcard.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137.

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).

---

[1] 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 a 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 filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b). The petition fee for a small entity is currently $810.00.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

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

/Charlema Grant/

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Masuyuki Ota	: DECISION ON REQUEST FOR
Patent Number	: 7599031	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/373,292	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **720** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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SUITE 1200
WASHINGTON, DC 20005-4051

Mail Date: 04/21/2010

Applicant	: Kazuya Nakajima	: DECISION ON REQUEST FOR
Patent Number	: 7599387	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/373,302	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **678** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OSHA LIANG L.L.P.
1221 MCKINNEY STREET
SUITE 2800
HOUSTON TX 77010

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AUG 25 2006
OFFICE OF PETITIONS

In re Application of :
Inoue, et al. :
Filed: March 10, 2006 : ON PETITION
Application No. 11/373,321 :
Atty. Dkt. No.: 15115/200001 :

This decision is in response to the "RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION," filed May 17, 2006. This response is being treated as a petition under 37 CFR 1.182 to accord the above-identified application a filing date of March 10, 2006.

The petition is hereby GRANTED.

The above-identified application was filed March 10, 2006. The Notice of Omitted Items in a Nonprovisional Application ("Notice") mailed April 17, 2006 indicated that Figure 2 appeared to have been omitted from the application as filed.

The Notice permits applicant to either: (I) establish prior receipt in the PTO of Figure 2 of the drawings; (II) submit the omitted figure and accept the date of such submission as the application filing date. An assertion that the missing page of specification was in fact deposited in the PTO with the application papers must made by way of petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted item in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted item with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such item and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the Notice (37 CFR 1.181(f)); or (III) take no action thereby constructively accepting the application as deposited in the USPTO.

Petitioners contend that the application as filed contained no omissions and that the Figure 2 was merely mislabeled.

Since it is obvious from the petition that no figures were actually missing on March 10, 2006, the application will be processed using the drawings filed on March 10, 2006.

However, the Notice was correct in advising applicants that Figure 2 appeared to have been omitted. Therefore, the Notice was properly mailed and will not be withdrawn and the petition fee will not be refunded since the petition was not necessary to correct any PTO error.

Petitioner is advised to promptly submit a preliminary amendment re-labeling the drawing figures prior to issuance of the first Office action on the merits to avoid delays in prosecution.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of March 10, 2006, using the drawing sheets filed on that date.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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1330 CONNECTICUT AVENUE, NW
WASHINGTON, DC 20036

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MAY 26 2006

OFFICE OF PETITIONS

In re Application of :
Elliot A. Gottfurcht et al :
Application No. 11/373,324 :
Filed: March 13, 2006 :
Attorney Docket No. 15771.0004 C1 :

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 27, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of Inventor Elliot A. Gottfurcht's birth certificate showing that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2174 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

FLESHNER & KIM, LLP
P.O. BOX 221200
CHANTILLY VA 20153

In re Application of :
Kwon :
Application No. 11/373,336 : DECISION ON PETITION
Filing Date: 13 March, 2006 :
Attorney Docket No. IK-0127 :

This is a decision on the petition filed on 7 April, 2006, that seeks a filing date of 13 March, 2006, for the instant application including 3 sheets of drawings (Figs. 1, 2, and 3), as described in the specification.

The petition under 37 C.F.R. §1.53 is **GRANTED**.

BACKGROUND

This nonprovisional application was deposited on 13 March, 2006.

On 3 April, 2006, the Office mailed a "Notice of Incomplete Nonprovisional Application," (the Notice) and indicated that no filing date had been accorded because the application was deposited without drawings as required by 35 U.S.C. §113.

OIPE indicated that Petitioner might: contend via petition that one or more drawings had been submitted and/or that the application did not require drawings for an understanding of the invention sought to be patented; and Petitioner might file a petition under 37 C.F.R. §1.182 (considered under 37 C.F.R. §1.53) as to the former contention; or submit the omitted figure and accept the date of submittal as the filing date, and OIPE set a two- (2-) month period for reply;

Petitioner filed the instant petition on 7 April, 2006, with, *inter alia*, a copy of the date-stamped ("MAR13 2005"–which has since been stamped "CANCELLED, however, the barcoded label evidences a date of "011306" with the instant application number adjoining) receipt card (see: MPEP §503[1]), a copy of the 3 sheets of drawings (Figs. 1, 2, and 3), as described in the specification, as averred to have been filed, and a request for a filing date of 13 March, 2006, for the application.

Analysis

A search of the official file reveals that:

- on 13 March, 2006, Petitioner deposited the instant application with the Office;
- the date-stamped receipt card evidences the following, in pertinent part:

* * *

[1] MPEP §503 provides in pertinent part:

§503 Application Number and Filing Receipt

* * *

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)).

* * *

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.)

> 1. New U.S. Patent App. Transmittal with 41 pages specification, claims, Abstract, 3 Sheets Drawings (Figures 1 - 3); executed Declaration, Authorization to Treat A Reply As Incorporating An Extension of Time Under 37 C.F.R. §1.136(A)(3); (Emphasis supplied.)
>
> * * *

Because Petitioner's receipt card adequately itemized the contents of the application on the receipt card, it is concluded that the application, including 3 sheets of drawings (Figs. 1, 2, and 3), as described in the specification, was deposited with the Office on 13 March, 2006, and the 3 sheets of drawings (Figs. 1, 2, and 3), as described in the specification, subsequently were misplaced in the Office.

Accordingly, the application, including 3 sheets of drawings (Figs. 1, 2, and 3), as described in the specification, is entitled to a filing date of 13 March, 2006.

The Notice mailed on 3 April 2006, was sent in error and is hereby **vacated** to the extent that it stated that the application was filed omitting drawings, specifically 3 sheets of drawings (Figs. 1, 2, and 3), as described in the specification, and that the application was not to be accorded a filing date.

CONCLUSION

The petition is **granted** and the petition fee waived and was not charged.

This application is released to OIPE for further processing with a filing date of 13 March, 2006, for the entire application with pages 1 - 41 of the specification (description, claims, abstract), and 3 sheets of drawings (Figs. 1, 2, and 3), as described in the specification, using:

- **pages 1 - 41 of the specification (description, claims, abstract) deposited on 13 March, 2006; and**
- **and 3 sheets of drawings (Figs. 1, 2, and 3), as described in the specification deposited on 7 April, 2006; and further**

with direction to OIPE to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 13 March, 2006, and reflecting therein that 41 pages of specification (description, claims, abstract) and 3 sheets of drawings were present on filing.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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Salt Lake City UT 84111

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DEC 03 2009

OFFICE OF PETITIONS

In re Application of :
Robert W. Christensen III :
Application No. 11/373,345 : DECISION ON PETITION
Filed: March 10, 2006 : TO WITHDRAW
Attorney Docket No. **16941.1** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 9, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Michael M. Ballard or any attorneys associated with Customer Number 22913 does not have power of attorney or was ever given power of attorney in this patent application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the address of record until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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THOMAS, RARING, & TEAGUE, P.C.
536 GRANITE AVENUE
RICHMOND VA 23226

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APR 2 9 2010

OFFICE OF PETITIONS

In re Application of	:	
Arthur S. McGurn	:	DECISION ON PETITION
Application No. 11/373,347	:	TO WITHDRAW
Filed: March 10, 2006	:	FROM RECORD
Attorney Docket No. MCGURN 1	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed March 12, 2010.

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 Alexander D. Raring on behalf of all attorneys of record associated with Customer Number 31704. 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, a Board of Patent Appeals and Interferences Docketing Notice was mailed February 1, 2010.

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

Joan Olszewski
Petitions Examiner
Office of Petitions

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RICHMOND VA 23226

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MAY 2 1 2010

OFFICE OF PETITIONS

In re Application of	:	
Arthur S. McGurn	:	DECISION ON PETITION
Application No. 11/373,347	:	TO WITHDRAW
Filed: March 10, 2006	:	FROM RECORD
Attorney Docket No. MCGURN 1	:	

This is a decision on the renewed request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed April 30, 2010.

The request is **NOT APPROVED**.

Petitioner states that "File will be forwarded to new counsel or client upon approval of withdrawal." It appears that petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, 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(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.

It appears that petitioner has not complied with item (2) of the above certifications. Item (2) is the certification that all papers and property have been delivered to the client or a duly authorized representative.

Further, 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 renewed request was again signed by Alexander D. Raring on behalf of all attorneys of record associated with Customer Number 31704. 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. Further, the Declaration filed March 10, 2006 established Power of Attorney in the above-identified application and may be consulted as to the manner in which the practitioners were appointed.

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

Currently, a Board of Patent Appeals and Interferences Docketing Notice was mailed February 1, 2010.

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

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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Orum & Roth LLC
53 W. Jackson Boulevard
Suite 1616
Chicago IL 60604-3606

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OCT 18 2006

OFFICE OF PETITIONS

In re Application of :
MURAKAMI :
Application No. 11/373,362 : DECISION ON PETITION
Filed: March 10, 2006 : TO WITHDRAW
Attorney Docket No. 14323 : FROM RECORD
:

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

The request is **APPROVED**.

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

The request was signed by Catherine L. Gemrich.

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

The correspondence address of record remains unchanged.

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

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

David Bucci
Petitions Examiner
Office of Petitions

cc: Catherine Gemrich
Steelcase Development Corporation
6100 East Paris Avenue
Caledonia, MI 49501

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Haynes and Boone, LLP
IP Section
2323 Victory Avenue
SUITE 700
Dallas TX 75219

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APR 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Jin-Soo Shin, et al.	:	
Application No. 11/373,368	:	DECISION GRANTING PETITION
Filed: March 10, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. AB-1647 US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 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 March 11, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2875 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams
Petitions Examiner
Office of Petitions

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

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DALLAS TX 75201

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APR 07 2008

OFFICE OF PETITIONS

Applicant: Clark et al.
Appl. No.: 11/373,376
Filing Date: March 10, 2006
Title: RNAI-MEDIATED INHIBITION OF FRIZZLED RELATED PROTEIN-1 FOR TREATMENT OF GLAUCOMA
Attorney Docket No.: 45263-P010US
Pub. No.: US 2006/0223773 A1
Pub. Date: October 5, 2006

This is a decision on the request for reconsideration for a corrected patent application publication under 37 CFR 1.221(b), received on January 25, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the citizenship of Wan-Heng Wang is incorrect and because there are errors in claims 3 and 21.

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

The request for corrected publication, received on January 25, 2007, was not timely filed under 37 CFR 1.221(b).

The citizenship of inventor Wan-Heng Wang was correctly printed as it was provide on the declaration. An Application Data Sheet (ADS) can not change be used change or correct the citizenship of an inventor. See 37 CFR 1.63 and 1.76.

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

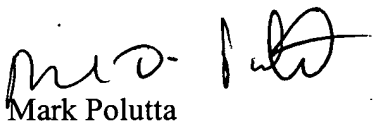
Applicants are advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication 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

By facsimile: 571-273-8300

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



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

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M.H.K.K.G., P.C. / ADOBE SYSTEMS INCORPORATED
P.O. BOX 398
AUSTIN, TX 78767-0398

Mail Date: 04/20/2010

Applicant	: Trenton Davies	: DECISION ON REQUEST FOR
Patent Number	: 7620697	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/373,381	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **801** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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NEW YORK, NY 10166

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OFFICE OF PETITIONS

In re Application of :
Leslie Lindenstraus, et. al. :
Application No. 11/373,391 : DECISION ON PETITION
Filed: March 3, 2006 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 0267-001-2006CIP3CON :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 5, 2006, 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.

As authorized, the $1,370 petition fee has been charged to petitioner's deposit account.

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

This application is being forwarded to Technology Center Art Unit 2831, 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.

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

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/373,391	03/09/2006	2831	1000	0267-001-2006CIP3CON	6	1

CONFIRMATION NO. 6524

CORRECTED FILING RECEIPT

31108
PAUL J. SUTTON, ESQ., BARRY G. MAGIDOFF, ESQ.
GREENBERG TRAURIG, LLP
200 PARK AVENUE
NEW YORK, NY 10166

OC000000024367813

Date Mailed: 06/14/2007

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)

Leslie Lindenstraus, New York, NY;
Steve Zacharevitz, Northport, NY;
Dennis A. Oddsen, New York, NY;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 10/852,818 05/25/2004
which is a CIP of 10/516,772 ABN
which is a CIP of 10/236,406 09/06/2002 ABN
which is a CIP of 10/163,488 06/06/2002 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 03/28/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/373,391

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Receptacle with shaped surface

Preliminary Class

174

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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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MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

Mail Date: 04/20/2010

Applicant	: Joseph E. Peck	: DECISION ON REQUEST FOR
Patent Number	: 7650316	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/373,392	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **203** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

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APR 30 2009

OFFICE OF PETITIONS

In re Application of :
Lawrence J. Malone, et al. :
Application No. 11/373,396 : DECISION ON PETITION
Filed: March 10, 2006 : TO WITHDRAW
Attorney Docket No. 022263-000220US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 27, 2009.

The request is **APPROVED**.

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

The request was signed by Raymond B. Hom on behalf of all attorneys of record who are associated with customer No. 20350. All attorneys/agents associated with the Customer Number 20350 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence 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. 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: LAWRENCE J. MALONE
3704 AZIMUTH PLACE
CARLSBAD, CA 92008

cc: QUORUM SYSTEMS, INC
9330 SCRANTON ROAD
SUITE 450
SAN DIEGO, CA 92121

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/373,396	03/10/2006	Lawrence J. Malone	022263-000220US

CONFIRMATION NO. 6493

POWER OF ATTORNEY NOTICE

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

OC000000035698133

Date Mailed: 04/28/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/27/2009.

- 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.

/amwise/

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

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MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

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MAY 31 2007

OFFICE OF PETITIONS

In re Application of
SUNDAR, et al.
Application No. 11/373,397
Filed: March 9, 2006
Attorney Docket No. 529252001100

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 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 Peter J. Yim 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: **JAGANE D. SUNDAR**
19050 BROOKVIEW DRIVE
SARATOGA, CA 95070

cc: **MICHAEL MALLIE**
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

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JUN 28 2007

OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

In re Application of :
SUNDAR, et al. :
Application No. 11/373,397 : DECISION ON REQUEST FOR
Filed: March 9, 2006 : REVOCATION OF POWER
Attorney Docket No. 529252001100 : OF ATTORNEY
:

This is a decision on the Request to Revoke the attorney or agent of record under 37 C.F.R. § 1.36(a), filed March 26, 2007.

The request is **NOT APPROVED**.

A power of attorney, pursuant to § 1.32(b), may be revoked at any stage in the proceeding of a case by an applicant for patent (§ 1.41(b)) or an assignee of the entire interest of the applicant under § 3.71(b). Fewer than all of the applicants (or by fewer than the assignee of the entire interest of the applicant) may only revoke the power of attorney upon a showing of sufficient cause, and payment of the petition fee set forth § 1.17(h). For the assignee to take action a proper statement under § 3.73(b) is required.

The request cannot be approved because the statement under 3.73(b) is not proper or **no statement under 3.73(b) was filed**. 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 March 26, 2007 does not include one of the above two options.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **MICHAEL J. MALLIE**
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
12400 WILSHIRE BOULEVARD, 7TH FLOOR
LOS ANGELES, CA 90025

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

11 MAY 2006

In re Application of :
JABRI, MARWAN A., et al. :
Application No. 11/373,413 : DECISION ON PETITION
Filed: March 10, 2006 : TO MAKE SPECIAL
For: **METHODS AND SYSTEM FOR FAST SESSION ESTABLISHMENT BETWEEN EQUIPMENT USING H.324 AND RELATED TELECOMMUNICATIONS PROTOCOLS** :

This is a decision on the petition filed March 10, 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.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

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AUG 1 1 2009

OFFICE OF PETITIONS

Sheppard, Mullin, Richter & Hampton, LLP
333 South Hope Street
48th Floor
Los Angeles, CA 90071-1448

In re Application of	:	
Ross Neil Williams	:	
Application No. 11/373,420	:	DECISION ON PETITION
Filed: March 10, 2006	:	TO WITHDRAW
Attorney Docket No. 16HC-134317	:	FROM RECORD
	:	

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 26, 2009.

The request is **NOT APPROVED.**

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

The request cannot be approved because there is no indication to where all future correspondence will be forwarded. In order to correct the application file a change of correspondence address must be provided.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MAY 04 2010

OFFICE OF PETITIONS

LAWSON & PERSSON, P.C.
P.O. BOX 712
LACONIA NH 03247

In re Application of :
Walton W. McCarthy :
Application No. 11/373,447 : DECISION ON PETITION
Filed: March 11, 2006 :
Attorney Docket No. 1423-010 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 4, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed April 10, 2008, is accepted as having been unintentionally delayed.

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

This application is being referred to the Office of Data Management to be processed into a patent.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/373,460	03/10/2006	Klaus Kunze	KOV-004-D1	8523

36872 7590 05/09/2008

THE LAW OFFICES OF ANDREW D. FORTNEY, PH.D., P.C.
401 W FALLBROOK AVE STE 204
FRESNO, CA 93711-5835

EXAMINER	
NGUYEN, TRI V	

ART UNIT	PAPER NUMBER
1796	

MAIL DATE	DELIVERY MODE
05/09/2008	PAPER

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

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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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caf

Mailed: 5-9-08

In re application of	:	
KUNZE et al.	:	DECISION ON
Serial No. 11/373,460	:	PETITION
Filed: March 10, 2006	:	
For: COMPOSITION AND METHODS FOR FORMING A SEMICONDUCTING AND/OR SILICON-CONTAINING FILM, AND STRUCTURES FORMED	:	

This is a decision on the PETITION TO WITHDRAW RESTRICTION REQUIREMENT UNDER 37 CFR 1.181 filed March 27, 2008.

On December 29, 2006, an office action was mailed containing a restriction requirement. The examiner stated that claim 1 contained three patentably distinct species (i.e. I, II and III as set forth on page 2) and that claims 3,4, and 5 constituted three patentably distinct species (i.e. A,B and C). On January 26, 2007, Applicants elected Species I and Species B with traverse, on the basis that the reasons or examples given and relied on in the Office Action are inadequate to support restriction of the conclusion of patentable distinctness. On April 12, 2007 an Office Action was mailed, acknowledging the election with traverse and withdrawing claims 3, 5, 6, 10, 11, 13, 16-22, 27, 37 and 39-40 from consideration. On August 13, 2007 an amendment was filed to obviate, in part, the restriction requirement and to again, traverse the restriction requirement. A final Office Action was mailed November 27, 2007.

On March 27, 2008 the instant petition under 37 CFR 1.181 was timely filed to formally request that the restriction requirement be reconsidered and withdrawn

DECISION

MPEP states:

> **808.01(a) Species [R-5] - 800 Restriction in Applications Filed Under 35 U.S.C. 111; Double Patenting**
>
> **808.01(a) Species [R-5]**
>
> Where there is no disclosure of a relationship between species (see MPEP § 806.04(b)), they are independent inventions. A requirement for restriction is permissible if there is a patentable difference between the species as claimed and there would be a serious burden on the examiner if restriction is not required. See MPEP § 803 and § 808.02.

Where there is a relationship disclosed between species, such disclosed relation must be discussed and reasons advanced leading to the conclusion that the disclosed relation does not prevent restriction, in order to establish the propriety of restriction.

When a requirement for restriction between either independent or distinct species is made, applicant must elect a single disclosed species even if applicant disagrees with the examiner's restriction requirement.

Election of species should not be required between claimed species that are considered clearly unpatentable (obvious) over each other. In making a requirement for restriction in an application claiming plural species, the examiner should group together species considered clearly unpatentable over each other.

Election of species may be required prior to a search on the merits (A) in applications containing claims to a plurality of species with no generic claims, and (B) in applications containing both species claims and generic or Markush claims.

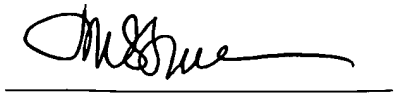
In applications where only generic claims are presented, restriction cannot be required unless the generic claims recite >or encompass< such a multiplicity of species that an unduly extensive and burdensome search would be necessary to search the entire scope of the claim. See MPEP § 803.02 >and § 809.02(a)<. If applicant presents species claims to more than one patentably distinct species of the invention after an Office action on only generic claims, with no restriction requirement, the Office may require the applicant to elect a single species for examination.

In all applications where a generic claim is found allowable, the application should be treated as indicated in MPEP § 809 and § 821.04(a). See MPEP § 803.02 and § 809.02(a) for guidance regarding how to require restriction between species.

In the present application, the examiner stated that claim 1 was directed to three patentably distinct species. The three patentably distinct species set forth by the examiner were: I. a composition comprising formula (1), II. a composition comprising formula (2) and III. a composition comprising formula (1) and (2). These three species, however, are not patentably distinct from one another in that the composition comprising formula (1) and (2) is not distinct from the other species. Species I encompasses species III, thus they cannot be patentably distinct. Species II encompasses species III, thus they cannot be patentably distinct.

In the present application the examiner also held that the materials from original claims 3, 4 and 5 were patentably distinct species. Claim 3 included thiols and claim 4 included alkyl and/or aralkyl groups. The alkyl and/or aralkyl species in claim 4 was elected and claim 4 was rejected using a reference which teaches a thiol (See Jacobson 6,294,401 col. 4, line 54). Thus, the final rejection is in conflict with the restriction statement that these materials are patentably distinct.

Accordingly, the restriction requirement as set forth in the office action of December 29, 2006 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

THE LAW OFFICES OF ANDREW D. FORTNEY, PH.D., P.C.
401 W FALLBROOK AVE STE 204
FRESNO CA 93711-5835

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NOV 0 3 2006

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

Thomas M. Freiburger
P.O. Box 1026
Tiburon CA 94920

In re Application of:
Laura Rosen
Serial No.: 11/373,469
Filed: March 10, 2006
Docket: 755P
Title: CLOCK WITH SELECTED AUDIO MESSAGES

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

This is a decision on the petition filed on October 2, 2006 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

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

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the application, the petition and the required fees were not filed together

electronically using the USPTO's electronic filing system (EFS), or EFS-web; and because the application does not contain twenty or fewer total claims directed to a single invention.

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 Krista Zele, Special Program Examiner, at (571) 272-7288.

Krista Zele
Special Program Examiner
Technology Center 2600

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

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In re Application of	:	
Jan Karasek	:	
Application No. 11/373,475	:	DECISION ON PETITION
Filed: March 10, 2006	:	TO WITHDRAW
Attorney Docket No. KARA-002/00US 305712-2002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 8, 2008.

The request is **APPROVED**.

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

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

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

There is no outstanding Office action at this time.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Jan Karasek**
13869 East Saratoga Drive
Aurora, CO 80015-4291

cc: **Jan Karasek**
c/o Neugeboren O'Dowd PC
1227 Spruce Street, Suite 200
Boulder, CO 80302

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/373,475	03/10/2006	Jan Karasek	KARA-002/00US 305712-2002

CONFIRMATION NO. 7118

POWER OF ATTORNEY NOTICE

22903
COOLEY GODWARD KRONISH LLP
ATTN: PATENT GROUP
Suite 1100
777 - 6th Street, NW
WASHINGTON, DC 20001

OC000000032313509

Date Mailed: 09/29/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/08/2008.

- 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10/8/09 Paper No.: ——

TO SPE OF : ART UNIT 1795

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/373491 Patent No.: 7470377B2

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

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

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

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

Comments: _____

Cynthia H. Kelly SPE 1795

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GREENBERG-TRAURIG
1750 TYSONS BOULEVARD, 12TH FLOOR
MCLEAN VA 22102

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OFFICE OF PETITIONS

In re Application of :
F. Davis Merrey et. al. :
Application No. 11/373,505 : DECISION GRANTING PETITION
Filed: March 13, 2006 :
Attorney Docket No.: 43689.017800UT :

This is a decision on the petition filed April 17, 2006, under 37 CFR 1.53, in response to the Notice of Incomplete Nonprovisional Application mailed April 4, 2006, requesting that the above identified application be accorded a filing date of March 13, 2006.

On March 13, 2006 the application was filed. However, on April 4, 2006, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" stating that the application had not been accorded a filing date because the application was deposited without drawings and that the filing date of the application would be the date of receipt of the drawings.

In response, the present petition and 4 sheets of drawings, were filed. Petitioners argue that the drawings were filed with the other application papers on March 13, 2006. In support of the petition, a copy of petitioner's postcard receipt which shows an official USPTO date-stamp of March 13, 2006, and the above-identified application number, and acknowledges receipt of, *inter alia*, 4 sheets of drawings, was supplied with the present petition. Petitioner requests that the application, including the drawings, be accorded a filing date of March 13, 2006.

Upon review, the drawings purportedly deposited on March 13, 2006 have not been located among the application papers. However, the evidence is convincing that the application papers deposited on March 13, 2006, included drawings, which were subsequently misplaced in the USPTO. Therefore, the application, including the 4 sheets of drawings, was complete on filing and entitled to a filing date of March 13, 2006.

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

The Notice of Incomplete Nonprovisional Application mailed April 17, 2006, is withdrawn. Therefore, and pursuant to the request for refund, the petition fee in the

amount of $400.00 will be credited back to deposit account no. 50-0653.

The application is being returned to the Office of Initial Patent Examination for reprocessing with a filing date of March 13, 2006, using the application papers filed on March 13, 2006 and copies of the drawings supplied on April 17, 2006.

Telephone inquiries related to 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/373,514	03/13/2006	Andrei Kapustin	550-740	6244

23117 7590 05/12/2008
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
PARTRIDGE, WILLIAM B	
ART UNIT	PAPER NUMBER
2183	
MAIL DATE	DELIVERY MODE
05/12/2008	PAPER

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

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

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TECHNOLOGY CENTER 2100

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

In re Application of: Kapustin et al
Application No. 11/373,514
Filed: March 13, 2006
Attorney Docket No. 550-740
For: DATA PROCESSING APPARATUS

DECISION ON RENEWED PETITION UNDER 37 CFR §1.181

This is a decision on the petition filed on February 25, 2008, requesting the withdrawal of Examiner's requirement to file corrected drawings. The petition is being considered under 37 CFR §1.181.

The Petition is **DENIED.**

RECENT PROSECUTION HISTORY

June 11, 2007	Non-Final Rejection (FAOM) mailed, including objection to drawings for failing to show the details of claims 2- 7, 9-11, and 13-17, and requiring applicant to file corrected drawings.
November 13, 2007	Applicant filed a response amending the claims, and including a petition to withdraw the objection to drawings, as part of the remarks.
January 31, 2008	Final Rejection (FAOM) mailed, including objection to drawings for failing to show the details of the interrupt resulting from the watch point event signal and the instruction format, and requiring applicant to file corrected drawings.
February 25, 2008	Instant Petition filed.

REQUIREMENTS

A petition under 3 7 CFR § 1.181 must include: (1) a statement of facts involved and (2) the point or points to be reviewed and the action requested. Note, the mere filing of a petition will

not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. In addition § 1.181 (f) sets forth: any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely. Further, when a petition is taken from an action or requirement of an examiner in the ex parte prosecution of an application, ... it may be required that there have been a proper request for reconsideration (37 CFR § 1.111) and a repeated action by the Examiner.

The petition filed on February 25, 2008, includes elements (1) and (2) above, as well as a request for reconsideration. The actions mailed on June 11, 2007, and January 31, 2008, constitute repeated action by the Examiner.

RELIEF REQUESTED

The instant petition filed under 37 CFR 1.181 requests that the requirement to file corrected drawings showing the details of the interrupt resulting from the watch point event signal and the instruction format be withdrawn.

OPINION

Petitioner presents the following arguments in support of the position that the requirement to file corrected drawings be withdrawn:

1. No valid basis for objection to the drawings under 37 CFR 1.83(a) and that every claimed structure that is susceptible of illustration is illustrated in the previously filed drawings.
2. As is well known, method Steps and electronic signals do not "admit of illustration by a drawing." 37 CFR 1.81 specifically states that drawings are required to illustrate structures "whenever the nature of the subject matter sought to be patented admits of illustration by a drawing."
3. Examiner has provided no rejection of any claim based upon 35 USC §112 and therefore the claim language is not considered by the Examiner to be indefinite.
4. Because these electronic signals are transient and do not have a physical appearance, it is impossible to illustrate such a signal.
5. It is noted that Rule 81 does not require method steps to be illustrated (although Applicants have included in Figure 3 a number of method steps in order to further explain the present invention)
6. The addition of the visual specifics added to the drawings of how an interrupt is performed in response to a watch point event signal could well comprise "new matter," thereby raising the possibility of a further rejection under 35 USC § 132.
7. Examiner's requirement of Applicants to provide an additional figure illustrating the manner in which a processor performs an interrupt response to said watch point event signal as set out in claim 14 could well comprise "new matter".
8. Applicants believe that the requirements of illustrating a "machine code instruction" and the programming for performing "an interrupt" in claims 3 and 14 to possibly require "new matter" in Applicants' specification.

RULES AND PROCEDURES

The relevant sections of the M.P.E.P. are set forth below:

37 CFR § 1.81 Drawings required in patent application.
(a) The applicant for a patent is required to furnish a drawing of his or her invention where necessary for the understanding of the subject matter sought to be patented; this drawing, or a high quality copy thereof, must be filed with the application. Since corrections are the responsibility of the applicant, the original drawing(s) should be retained by the applicant for any necessary future correction.
(b) Drawings may include illustrations which facilitate an understanding of the invention (for example, **flowsheets in cases of processes, and diagrammatic views**).
(c) Whenever the nature of the subject matter sought to be patented admits of illustration by a drawing **without its being necessary for the understanding of the subject matter** and the applicant has not furnished such a drawing, **the examiner will require its submission** within a time period of not less than two months from the date of the sending of a notice thereof.

37 CFR § 1.83 Content of drawing.
(a) The drawing in a nonprovisional application **must show every feature of the invention specified in the claims**. However, **conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box).** In addition, tables and sequence listings that are included in the specification are, except for applications filed under 35 U.S.C. 371, not permitted to be included in the drawings.
(b) When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.
(c) Where the drawings in a nonprovisional application do not comply with the requirements of paragraphs (a) and (b) of this section, the examiner shall require such additional illustration within a time period of not less than two months from the date of the sending of a notice thereof. Such corrections are subject to the requirements of § 1.81(d).

35 U.S.C. 132 Notice of rejection; reexamination.

(a) Whenever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of

his application; and if after receiving such notice, the applicant persists in his claim for a patent, with or without amendment, the application shall be reexamined. No amendment shall introduce new matter into the disclosure of the invention.

DECISION

As seen from the excerpts from the MPEP, 37 CFR 1.83 requires that the drawing must show every feature of the invention specified in the claims, and does not limit illustration only to claimed structures, as argued by applicant. Applicant's arguments that the claims have not been found to be indefinite by examiner, and hence no illustration is required is not found to be persuasive, since 37 CFR 1.83 clearly states **conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box).** Petitioner's arguments regarding "New Matter" is not persuasive, since examiner is only requiring applicant to illustrate what is already part of the disclosure.

Accordingly, the Petition is **DENIED**.

The application remains under final rejection with the time period for response continuing to run from the mailing of the Final Office action, January 31, 2008.

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

Jack Harvey, Director
Technology Center 2100
Computer Architecture, Software,
and Information Security

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

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OFFICE OF PETITIONS

In re Application of :

KWA, Tom et al. :
Application No. 11/373,520 :
Filed: March 10, 2006 :
Attorney Docket No. **39898-1044** :

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 08, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 G. Peter Albert, Jr. on behalf of all attorneys of record who are associated with customer No. 25213. 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 August 28, 2008 that requires a reply from the applicant.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **TOM KWA**
1707 FAN STREET
SAN JOSE, CA 95131

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

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OFFICE OF PETITIONS

PAUL NAIK, PH.D.
GENENTECH, INC.
1 DNA WAY, MS 49
SOUTH SAN FRANCISCO CA 94080

In re Application of
Anan Chuntharapai et al.
Application No. 11/373,527
Filed: March 10, 2006
Attorney Docket No. P1810R1C1

: DECISION ON APPLICATION
:FOR PATENT TERM ADJUSTMENT

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed December 5, 2008. Applicants request that the patent term adjustment at the time of the mailing of the Notice of Allowance be corrected from one hundred sixteen (116) days to one hundred forty-seven (147) days.

The application for patent term adjustment is **Dismissed.**

The Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is ONE HUNDRED SIXTEEN (116) days as provided on the mailed notice of allowance.

On September 8, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 116 days. The instant application for patent term adjustment was timely filed[1]. Applicants dispute the reduction of 31 days of PTA for applicant delay in filing an Information Disclosure Statement (IDS) on June 20, 2008 after the filing of a response to a non-final Office Action on May 20, 2008.

Applicants specifically state that the patent issuing from the application is not subject to a terminal disclaimer.

A review of the record reveals that on May 20, 2008 applicants filed a response to the non-final Office action mailed February 6, 2008 with a one month extension of time. Then on June 20, 2008, applicants filed the Information Disclosure Statement (IDS). Pursuant to 37 CFR § 1.704(c)(8), the submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, is a failure to engage in reasonable efforts to conclude prosecution. The record does not support a conclusion that the IDS was expressly requested by the examiner. Accordingly, filing of the IDS may be considered a failure to engage and a proper basis for reduction.

[1] PALM records indicate that the Issue Fee was also received on December 5, 2008.

The record supports a conclusion that the IDS received June 20, 2008 was filed with a 37 CFR 1.704(d) statement. However, the statement was not proper because the statement says "that the information disclosure statement was first cited in **a** communication from a foreign patent office in a counterpart application." rather than the required language "that the information disclosure statement was first cited in **any** communication from a foreign patent office in a counterpart application."

37 CFR 1.704(d) provides:

> A paper containing only an information disclosure statement in compliance with §§ **1.97** and **1.98** will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in **any** communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § **1.56(c)** more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable. (Emphasis added)

Applicant's statement is not sufficient because applicant may have received two communications from two different foreign patent office that occurred months after each other and the submission therefor must be within thirty days of the first communication and not within thirty days of the last communication.

In view thereof, the reduction for the filing of the IDS after the mailing of the response to the non-Final Office Action on May 20, 2008 is proper.

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

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

Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Examination Policy

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10-29-08

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Patent No. :7,284,528
Ser. No. : 11/373,544
Inventor(s) : Robert J. Natkin, et. al.
Issued : October 23, 2007
Title : CRANK SHAFT SUPPORT ASSEMBLY
Docket No. : 7534.3012.001

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 or 1.323.

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

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

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

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

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

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

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

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

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

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

Eva James
For ;Mary Diggs
Decisions & Certificates
of Correction Branch
(703) **308-9390 ext. 124** or 105

Eric T. Jones
Reising, Ethington, Barnes, Kisselle, PC
P.O. box 4390
Troy, Michigan 48099-4390

ej

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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

Mail Date: 04/21/2010

Applicant	: Wolfgang Ebel	: DECISION ON REQUEST FOR
Patent Number	: 7592426	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/373,546	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **187** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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KARSTEN MANUFACTURING CORPORATION
LEGAL DEPARTMENT
2201 WEST DESERT COVE
PHOENIX, AZ 85029

Mail Date: 04/20/2010

Applicant	: David D. Jones	: DECISION ON REQUEST FOR
Patent Number	: 7651411	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/373,549	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **99** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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DINSMORE & SHOHL LLP
ONE DAYTON CENTRE
SUITE 1300
ONE SOUTH MAIN STREET
DAYTON OH 45402-2023

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MAR 2 8 2008

OFFICE OF PETITIONS

In re Application of :
Gurtej S. Sandhu :
Application No. 11/373564 : DECISION ON PETITION
Filed: 03/10/2006 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. MIO 0085 N3 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed on October 5, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) 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.

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.

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.

It is noted that the petition fee was paid with a paper inadvertently directed to the parent application, No. 11/026,721. Office financial records will be corrected to reflect that the petition fee was paid in the subject application.

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 3742 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.

Anthony Knight
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/373,564	03/10/2006	3742	1900	MIO 0085 N3	15	6

CONFIRMATION NO. 7027

CORRECTED FILING RECEIPT

DINSMORE & SHOHL LLP
One Dayton Centre
Suite 1300
One South Main Street
Dayton, OH 45402-2023

Date Mailed: 03/27/2008

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

Applicant(s)

Gurtej S. Sandhu, Boise, ID;

Power of Attorney:

James Gottman--27262
Timothy Hagan--29001
Patricia Prior--33758
Charles Brantley II--38086
James Beyer--39564
William Jividen--42695
Paul Ulrich--46404
John Reed--46506
Kristina Swanson--53657
Matthew Molloy--56415

Domestic Priority data as claimed by applicant

This application is a CON of 11/026,721 12/30/2004 PAT 7,050,708
which is a CON of 10/788,146 02/26/2004 PAT 6,839,505
which is a CON of 09/976,176 10/11/2001 PAT 6,701,066

Foreign Applications

If Required, Foreign Filing License Granted: 03/31/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/373,564**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

DELIVERY OF SOLID CHEMICAL PRECURSORS

Preliminary Class

392

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

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Sheppard, Mullin, Richter & Hampton, LLP
333 South Hope Street
48th Floor
Los Angeles, CA 90071-1448

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AUG 1 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Ross Neil Williams	:	
Application No. 11/373,569	:	DECISION ON PETITION
Filed: March 10, 2006	:	TO WITHDRAW
Attorney Docket No. 16HC-134318	:	FROM RECORD
	:	

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 26, 2009.

The request is **NOT APPROVED.**

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

The request cannot be approved because there is no indication to where all future correspondence will be forwarded. In order to correct the application file a change of correspondence address must be provided.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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CHARLES C.H. WU
98 DISCOVERY
IRVINE CA 92618-3105

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JAN 14 2010

In re Application of	:	
Mun En Wang	:	
Application No. 11/373,570	:	DECISION ON PETITION
Filed: March 10, 2006	:	
Attorney Docket No. 870-05050501	:	

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

The petition is **GRANTED**.

This application became abandoned for failure to properly and timely reply to the final Office action mailed April 1, 2009. A one-month extension of time under the provisions of 37 CFR 1.136(a) was timely obtained. Accordingly, this application became abandoned on August 2, 2009. A Notice of Abandonment was mailed November 13, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405.00 and the submission required by 37 CFR 1.114 (previously filed on October 30, 2009); (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

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

This matter is being referred to Technology Center 2841 for processing of the Request for Continued Examination under 37 CFR 1.114 and the Amendment filed on October 30, 2009.

Joan Olszewski
Petitions Examiner
Office of Petitions

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SUITE 3500
LOS ANGELES, CA 90013-1024

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MAR 09 2009

OFFICE OF PETITIONS

In re Application of
Takeshi Komano
Application No. 11/373,572
Filed: March 10, 2006
Attorney Docket No. 393032059200

ON PETITION

This is a decision on the petition, filed March 5, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 5, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2837 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

Copied from 10373572 on 03/13/2009

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60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

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MAY 24 2010

OFFICE OF PETITIONS

In re Application of :
Thayne B. Haney et al :
Application No. 11/373,582 : ON PETITION
Filed: March 9, 2006 :
Attorney Docket No. 15499.667.1

This is a decision on the petition, filed May 11, 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 April 27, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 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/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

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

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JUL 0 2 2009

OFFICE OF PETITIONS

In re Application of :
Michael LIBES et al. :
Application No. 11/373,588 :
Filed: March 09, 2006 :
Attorney Docket No. **026296-000110US** :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 26, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of November 12, 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) were obtained. Accordingly, the date of abandonment of this application is February 13, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405, and the submission required by 37 CFR 1.114; (2) the petition fee of $810; and (3) a proper statement of unintentional delay. Accordingly, the reply to the final Office Action of November 12, 2008 is accepted as having been unintentionally delayed.

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) 272-2783.

This application is being referred to Technology Center AU 2156 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **DAVID A. HALL**
TOWNSEND AND TOWNSEND AND CREW LLP
12730 HIGH BLUFF DRIVE, SUITE 400
SAN DIEGO CA 92130

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Paper No.

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SEP 14 2009

OFFICE OF PETITIONS

George R. Royer
1018 Adams
Toledo OH 43604

In re Application of :
George R. Royer :
Application No. 11/373,593 : DECISION ON PETITION
Filed: March 13, 2006 : UNDER 37 C.F.R. § 1.181
Title: THREE DIMENSIONAL :
IMAGING SYSTEM :

This is a decision on the petition filed August 6, 2009, pursuant to 37 C.F.R. § 1.181, 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.**

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed September 18, 2008, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on December 19, 2008.

With this petition, Petitioner has asserted that the communication was not received. The electronic file has been reviewed, and it is clear that the non-final Office action of September 18, 2008 was returned to the Office as undeliverable, with a notation from the USPS which reads "FORWARDING TIME EXP, RTN TO SEND."

It is noted that the non-final Office action of September 18, 2008 was mailed to the correspondence address of record at the time: "Suite 416, 316 N. Michigan Street, Toledo, Ohio, 43614."

It is further noted that on May 8, 2009, a "NOTICE OF ADDRESS CHANGE" was received, which requested that Office records be updated to reflect the current address of record.

It appears that at some point subsequent to the mailing of a notice of missing parts (mailed on April 5, 2006 to the N. Michigan Street address and responded to on June 5, 2006) Petitioner's address changed, and a Change of Address was not filed until May 8, 2009, which is subsequent to the mailing of the non-final Office action of September 18, 2008.

It is not clear if Petitioner moved from the N. Michigan Street address prior to September 18, 2008, however the notation from the USPS on the returned mail strongly suggests that this is the case.

It cannot be determined if the change of address that was received on May 8, 2009 was timely filed. **Petitioner must clarify, on the record, when he moved from the N. Michigan Street address.**

Moreover, Petitioner may wish to review MPEP § 711.03(c)(I)(A), which may be found at this link: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c

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.

Alternatively, Petitioner may wish to consider filing a petition pursuant to 37 C.F.R. §§ 1.137(a) and/or (b). Unless Petitioner believes that he can successfully assert that the entire period of delay was unavoidable, he may wish to file pursuant to the unintentional standard.

Petitioner may download information about these petitions here: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[1] hand-delivery,[2] or facsimile.[3]

---

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.

Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[4]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

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 with this petition, 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.[5] All other inquiries concerning examination procedures should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions

cc: George R. Royer
2137 Ragan Woods
Toledo, OH 43614

---

4 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

5 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

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Paper No.

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DEC 07 2009

OFFICE OF PETITIONS

George R. Royer
1018 Adams
Toledo OH 43604

In re Application of	:	
George R. Royer	:	
Application No. 11/373,593	:	DECISION ON RENEWED PETITION
Filed: March 13, 2006	:	UNDER 37 C.F.R. § 1.181
Title: THREE DIMENSIONAL	:	
IMAGING SYSTEM	:	

This is a decision on the renewed petition filed November 16, 2009, pursuant to 37 C.F.R. § 1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

This renewed petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED.**

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed September 18, 2008, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on December 19, 2008.

An original petition pursuant to 37 C.F.R. § 1.181 was filed on August 6, 2009, where Petitioner asserted that the communication was not received. The original petition was dismissed via the mailing of a decision on September 14, 2009, which indicated that it appeared that Petitioner might have moved without updating his address with the Office. The decision set forth, *in pertinent part*:

> The electronic file has been reviewed, and it is clear that the non-final Office action of September 18, 2008 was returned to the Office as undeliverable, with a notation from the USPS which reads "FORWARDING TIME EXP, RTN TO SEND."

> It is noted that the non-final Office action of September 18, 2008 was mailed to the correspondence address of record at the time: "Suite 416, 316 N. Michigan Street, Toledo, Ohio, 43614."
>
> It is further noted that on May 8, 2009, a "NOTICE OF ADDRESS CHANGE" was received, which requested that Office records be updated to reflect the current address of record. It appears that at some point subsequent to the mailing of a notice of missing parts (mailed on April 5, 2006 to the N. Michigan Street address and responded to on June 5, 2006) Petitioner's address changed, and a Change of Address was not filed until May 8, 2009, which is subsequent to the mailing of the non-final Office action of September 18, 2008.
>
> It is not clear if Petitioner moved from the N. Michigan Street address prior to September 18, 2008, however the notation from the USPS on the returned mail strongly suggests that this is the case.
>
> It cannot be determined if the change of address that was received on May 8, 2009 was timely filed. **Petitioner must clarify, on the record, when he moved from the N. Michigan Street address** (emphasis included).
>
> Decision on original petition, pages 1-2.

Pursuant to 37 C.F.R. § 1.33(a), the Office will direct all notices relating to an application to the correspondence address. The declaration directs all mail to be sent to "316 N. Michigan Street, Suite 416, Toledo, Ohio." The electronic file indicates that no change of address was filed prior to the mailing of the non-final Office action of September 18, 2008. Hence, the Office communication was properly mailed to the Michigan Street address, pursuant to Petitioner's instructions.

However, with this renewed petition, Petitioner has indicated that he moved from the Michigan Street address "in the early part of 2007."[1] Consequently, the Office communication of September 18, 2008 was not received as it was mailed to an outdated address (it is noted in passing that it appears that this Office communication was mailed subsequent to the expiration of the USPS forwarding order as well).

MPEP § 601.03 sets forth, in pertinent part:

> Where an attorney or agent of record (or applicant, if he or she is prosecuting the application *pro se*) changes his or her correspondence address, he or she is responsible for promptly notifying the U.S. Patent and Trademark Office of the new correspondence address (including ZIP Code). See 37 CFR 11.11. The notification should also include his or her telephone number.

The record establishes that the Office communication was not received due to Petitioner's failure to keep his address current with the Office. The Office communication was properly mailed

1 Renewed petition, page 1.

to the address which was the correspondence address of record at that time. However, the communication in question was not received, because Petitioner had previously moved from that address, and failed to notify the Office of this move. Due to his failure to meet his responsibility of "promptly notifying the U.S. Patent and Trademark Office of the new correspondence address" (as set forth in the section of the MPEP reproduced above), the communication was not received, and the application went abandoned as a direct result of his inaction. It follows that the record does not support a finding that the holding of abandonment should be withdrawn.

The time period for filing a second 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 "Second 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.

Alternatively, Petitioner may wish to consider filing a petition pursuant to 37 C.F.R. §§ 1.137(a) and/or (b). Unless Petitioner believes that he can successfully assert that the entire period of delay was unavoidable, he may wish to file pursuant to the unintentional standard.

Petitioner may download information about these petitions here: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[2] hand-delivery,[3] or facsimile.[4] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[5]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

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2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
4 (571) 273-8300- please note this is a central facsimile number.
5 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

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 with this petition, 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.[6] All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: George R. Royer
2137 Ragan Woods
Toledo, OH 43614

6 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

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Alexandria, VA 22313-1450
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DELBERT BARNARD
BARNARD, PAULY & BELLAMY, P.S.
P.O. BOX 58888
SEATTLE,WA 98138

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DEC 0 9 2008

OFFICE OF PETITIONS

In re Application of Iverson et al. :
Application No. 11/373,603 : Decision on Petition
Filing Date: March 13, 2006 :
For: Slow Release Production of Chlorine :
Dioxide From Acidified Sodium Chlorite :

This is a decision on the petition under 37 CFR 1.137(b), filed July 18, 2008, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 31, 2007, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on February 1, 2008. A Notice of Abandonment was mailed on June 24, 2008.

The instant petition requests revival of the application.

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

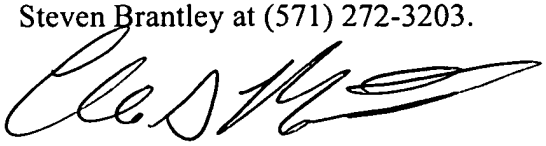
(1) the reply required to the outstanding Office action or notice, unless previously filed,
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Petitioner has submitted a reply to the non-final Office action. Petitioner has submitted the required petition fee. Petitioner has stated 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 has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

Technology Center Art Unit 1797 will be informed of the instant decision and the application, including the amendment filed June 24, 2008, will be further examined 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

DATE: 8/23/07 APPLICATION NUMBER: 11/373,610

DOC CODE: PET. DEC. TC DOC DATE: 8/24/07

DELIVER THE ATTACHED FILE/DOCUMENT TO THE TC SCANNIG CENETER

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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RANKIN, HILL, PORTER & CLARK LLP
38210 GLENN AVENUE
WILLOUGHBY, OH 44094-7808

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AUG 23 2007

OFFICE OF PETITIONS

In re Application of :
Takaharu Yamano :
Application No.: 11/373,610 : ON PETITION
Filed: March 10, 2006 :
Attorney Docket No.: NGB-16560 :

This is a decision on the petition, filed August 22, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 31, 2007, in the above-identified application, cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

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

The application is being referred to Technology Center AU 3729 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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DONALD E. BURG
15840 S.W. 84TH AVENUE
MIAMI, FL 33157

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JUN 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Donald E. Burg	:	
Application No. 11/373,620	:	DECISION ON PETITION
Filed: March 10, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

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

The petition is **GRANTED**.

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

The instant petition includes a declaration statement signed by applicant. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3617 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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HARRINGTON & SMITH
4 RESEARCH DRIVE, Suite 202
SHELTON, CT 06484-6212

MAILED

MAY 03 2010

OFFICE OF PETITIONS

In re Application of :
Carlos Franciso Fuente :
Application No. 11/373,624 : DECISION ON PETITION
Filed: March 10, 2006 :
Attorney Docket No. GB920050005US1. :

This is a decision on the petition, filed February 22, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the final Office action mailed July 1, 2009, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on January 20, 2010.

Petitioner asserts that the Office action dated July 1, 2009 was not received.

A review of the application file reveals no irregularities in the mailing of the Office action of July 1, 2009. Thus, there is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Office action, petitioner must submit evidence to overcome this presumption. The following showing is required:

> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all

replies docketed for a date three month from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

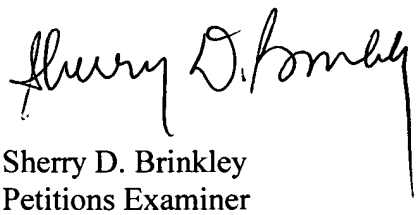
Petitioner has adequately supported his claim of non-receipt with the evidence provided.

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

Petitioner should note that while petitioner indicates that a reply to the outstanding Office action is enclosed, no such reply was found enclosed.

This application is being referred to the Technology Center technical support staff of Art Unit 2184 for re-mailing the Office action of July 1, 2009. The period for reply will run from the mailing date of the Office action.

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

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Alexandria, VA 22313-1450
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MAR 09 2007

OFFICE OF PETITIONS

Patterson & Sheridan, LLP
3040 Post Oak Boulevard, Suite 1500
Houston, TX 77056

In re Application of
Hafezi et al.
Application No. 11/373,635
Filed: March 9, 2006
Attorney Docket No. APPM/ 8241
Title: Method of Direct Plating of Copper on a Ruthenium Alloy

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed on August 25, 2006. Petitioners obtained an extension for response within the third month. Accordingly, the petition is filed timely.

Petitioners showed that non-signing inventor constructively refused to join in the filing of the above-identified application after having been mailed the application papers. Additionally, petitioners showed that they could not locate the non-signing inventor after diligent efforts.

Specifically, in his statement of facts, Robert W. Mulcahy established that petitioners mailed the application papers, including the specification, claims and drawings, by Federal Express to the non-signing inventor's last known address. Federal Express confirmed delivery of the package; however, the non-signing inventor did not respond to the request to sign the declaration. Furthermore, Mr. Mulcahy indicated that petitioners could not find another address for the non-signing inventor after performing an Internet search. A copy of the Federal Express Tracking Information accompanies the present petition.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). The petition is **granted**. 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 present petition. 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 2616 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 0 9 2007

OFFICE OF PETITIONS

Zhi-Wen Sun
126 Destry Court
San Jose, CA 95136

In re Application of :
Hafezi et al. :
Application No. 11/373,635 : LETTER
Filed: March 9, 2006 :
Attorney Docket No. APPM/ 8241 :
Title: Method of Direct Plating of Copper on a :
Ruthenium Alloy :

Dear Mr. Sun:

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 800-972-6382 (outside the Washington D.C. area).

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Patterson & Sheridan, LLP
3040 Post Oak Boulevard, Suite 1500
Houston, TX 77056

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HONEYWELL
INTERNATIONAL INC.
101 COLUMBIA ROAD
PO BOX 2245
MORRISTOWN NJ 07962-2245

MAILED

APR 27 2009

OFFICE OF PETITIONS

In re Application of
Colin S. McCulloch et al
Application No. 11/373,638
Filed: March 9, 2006
Attorney Docket No. H0011024-0560 (19168)

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 25, 2009 and supplemented on March 26, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment and replacement drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal rejection mailed September 8, 2008, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 2612 for appropriate action by the Examiner in the normal course of business on the reply received March 25, 2009 and supplemented on March 26, 2009.

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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HONEYWELL INTERNATIONAL INC.
PATENT SERVICES
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN, NJ 07962-2245

Mail Date: 04/21/2010

Applicant	: Colin S. McCulloch	: DECISION ON REQUEST FOR
Patent Number	: 7616109	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/373,638	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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JJGJR.: 08-07

Paper No: __

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AUG 20 2007

OFFICE OF PETITIONS

HARRY I. LEON
924 BOWEN ST. NW
ATLANTA GA 30318

In re Application of :
Williams, et al. : DECISION
Application No.: 11/373,647 :
Filing Date: 10 March, 2006 :
Attorney Docket No. (None) :

This is a decision on the petition filed on 13 January, 2007, to withdraw the holding of abandonment and considered under 37 C.F.R. §1.181.

The Office regrets the delay in addressing this matter, however, the instant petition was presented to the attorneys in the Office of Petitions only at this writing.[1]

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 Notice to File Corrected Application Papers mailed on 7 April, 2006, with reply due absent extension of time on or before 7 June, 2006;

[1] NOTE: Monitoring of the status of applications on PAIR can inform one's management of application responses and provide an indication when mailings of Office actions should be expected. Status Inquiries filed at three (3) or four (4) month intervals provide a demonstration of diligence and attention in supporting a petition seeking relief under 37 C.F.R. §1.181.

- on 11 December, 2006, the Office mailed a Notice of Abandonment, indicating therein Petitioner's failure to reply;

- on 13 January, 2007, Petitioner filed the instant petition, a copy of a paper bearing a 21 April, 2006, Certificate of Mailing and averred to have been submitted in reply to the 7 April, 2006, Notice, and a copy of a receipt card–however, upon consideration the receipt card appears to be Office acknowledgement of receipt of Petitioner's application on filing, and not an acknowledgment of a reply to the 7 April, 2006, Notice;

- in a telephone conversation of 16 August, 2007, Petitioner acknowledged to the Office that he had not submitted the averred reply with a receipt card, and, so, he has no documentation supporting the filing (as opposed to the submission) of the reply.

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 are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

---

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

Specifically, the regulations at 37 C.F.R. §10.18 provide:

§ 10.18 Signature and certificate for correspondence filed in the Patent and Trademark Office.
(a) For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature by such practitioner complying with the provisions of §1.4(d), §1.4(e), or § 2.193(c)(1) of this chapter.
(b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—

(1) All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and

(2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that —

(i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office;

(ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension,

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[3]

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority. The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.[4]

Delays in responding properly raise the question whether delays are unavoidable.[5] Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).[6]

---

modification, or reversal of existing law or the establishment of new law;

(iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

(c) Violations of paragraph (b)(1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions as deemed appropriate by the Commissioner, or the Commissioner's designee, which may include, but are not limited to, any combination of —

(1) Holding certain facts to have been established;

(2) Returning papers;

(3) Precluding a party from filing a paper, or presenting or contesting an issue;

(4) Imposing a monetary sanction;

(5) Requiring a terminal disclaimer for the period of the delay; or

(6) Terminating the proceedings in the Patent and Trademark Office.

(d) Any practitioner violating the provisions of this section may also be subject to disciplinary action. See § 10.23(c)(15).

[Added 50 FR 5175, Feb. 6, 1985, effective Mar. 8, 1985; para. (a) revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; paras. (a) & (b) revised, paras. (c) & (d) added, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

[3] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[4] Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.

[5] See: *Changes to Patent Practice and Procedure*; *Final Rule Notice*, 62 *Fed. Reg.* at 53158-59 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* at 86-87 (October 21, 1997).

[6] See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

And the Petitioner must be diligent in attending to the matter.[7] Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[8]))

Allegations as to the Request to
Withdraw the Holding of Abandonment

The courts have determined the construct for properly supporting a petition seeking withdrawal of a holding of abandonment.[9]

The commentary at MPEP §711.03(c) provides:

* * *

> **B. Petition To Withdraw Holding of Abandonment Based on Evidence That a Reply Was Timely Mailed or Filed**
>
> 37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a 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

---

[7] See: Diligence in Filing Petitions to Revive and Petitions to Withdraw the Holding of Abandonment, 1124 Off. Gaz. Pat. Office 33 (March 19, 1991). It was and is Petitioner's burden to exercise diligence in seeking either to have the holding of abandonment withdrawn or the application revived. See 1124 Off. Gaz. Pat. Office supra.

[8] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

[9] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

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

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. 1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP § 512.

* * *

Moreover, the regulation places upon Petitioner a diligence requirement to seek relief within two (2) months of the act complained of.

It appears that Petitioner has satisfied the showing requirements herein in that he has personally attested to have signed the Certificate of Mailing and submitted the reply in question via the U.S. Postal Service under 37 C.F.R §1.8.

CONCLUSION

Because Petitioner has not satisfied the burdens set forth in Delgar v. Schulyer, the petition as considered under 37 C.F.R. §1.181 is **granted**, and the 11 December, 2006, Notice of Abandonment is **vacated**.

The instant application is released to OIPE for further processing in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[10]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[10] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

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AUG 0 7 2007

OFFICE OF PETITIONS

In re Application of :
Christoph Albrecht, et al. :
Application No. 11/373,670 : DECISION ON PETITION
Filed: March 10, 2006 : TO WITHDRAW
Attorney Docket No. 188122005720 : FROM RECORD
:

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, 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 Peter J. Yim on behalf of all attorneys of record who are associated with customer No. 20872.

All attorneys/agents associated with the Customer Number 20872 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 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: CADENCE DESIGN SYSTEMS, INC.
2655 SEELY AVENUE
BLDG. 5
SAN JOSE, CA 95134

cc: STEPHEN C. DURANT
NOVAK, DRUCE & QUIGG, LLP
SPEAR STREET TOWER
35TH FLOOR
ONE MARKET PLAZA
SAN FRANCISCO, CA 94105

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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DONALD R. HEINER, ESQ.
71 MOUNT VERNON STREET
RIDGEFIELD PARK, NJ 07660

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MAR 1 0 2008

OFFICE OF PETITIONS

In re Application of :
Dom PERRUCCIO :
Application No. 11/373,675 : DECISION ON PETITION
Filed: March 13, 2006 : TO WITHDRAW
Attorney Docket No. : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 21, 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, retiring from the practice of law, does not meet any of the conditions set forth in 37 CFR 10.40.

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

There 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: DOM PERRUCCIO
7 WOOD HOLLOW TRAIL
OAK RIDGE, NJ 07438

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK NY 10016

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OCT 12 2007

OFFICE OF PETITIONS

In re Application of :
Kenneth Jacobs :
Application No. 11/373,702 : DECISION ON PETITION
Filed: March 10, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. JAO-3 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 8, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the applicant declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2862 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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DALINA LAW GROUP, P.C.
7910 IVANHOE AVENUE #325
LA JOLLA, CA 92037

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MAY 12 2008

In re Application of :
Keith C. Davis :
Application No. 11/373,704 : DECISION ON PETITION
Filed: March 10, 2006 : TO WITHDRAW
Attorney Docket No. 1123-P0001 : FROM RECORD
:

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 6, 2007.

The request is **APPROVED**.

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

The request was signed by Daniel Nakaji on behalf of all attorneys/agents associated with customer number 36067. All attorneys/agents associated with customer number 36067 have been withdrawn.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Keith Davis
c/o David Ruyle
8880 Rio San Diego Drive
Suite 1000
San Diego, CA 92018

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/373,704	03/10/2006	Keith C. Davis	1123-P0001

CONFIRMATION NO. 7786

POWER OF ATTORNEY NOTICE

36067
DALINA LAW GROUP, P.C.
7910 IVANHOE AVE. #325
LA JOLLA, CA 92037

OC000000029881695

Date Mailed: 05/12/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/06/2007.

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

/kainabinet/

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

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UNISYS WAY
MAIL STATION: E8-114
BLUE BELL PA 19424

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of
Mazzagatti
Application No. 11/373,733
Filed: March 10, 2006
Attorney Docket No. TN465

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

This is a decision on the petition entitled, "Petition to Correct/Add An Inadvertently Omitted Priority Claim to U.S. Application," filed February 27, 2009. The petition will be treated under 37 CFR 1.78(a)(3) as a petition 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 concurrently filed amendment.

The petition is **DISMISSED.**

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

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

The petition does not comply with item (1)

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.72(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. *See* MPEP Section 201.11, Reference

to Prior Nonprovisional Applications. The amendment fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

The rule at 37 CFR § 1.78(a)(3) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. 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)(3). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)), which states the relationships of the prior-filed applications to this application, are required.

Pursuant to petitioner's authorization, deposit account no. 19-3790 will be charged the required $1.410.00 surcharge.

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

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

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

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

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498

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JAN 08 2010

In re Patent No. 7638728	:	
Issue Date: 12/29/2009	:	
Application Number: 11/373773	:	NOTICE
Filing or 371(c) Date: 03/10/2006	:	
Attorney Docket Number: 070050.3059	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on October 22, 2009.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Attorney
Office of Petitions

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UNILEVER INTELLECTUAL PROPERTY GROUP
700 SYLVAN AVENUE
BUILDING C2 SOUTH
ENGLEWOOD CLIFFS, NJ 07632-3100

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OFFICE OF PETITIONS

In re Application of :
Jessica Weiss Goldberg et al :
Application No. 11/373,795 : ON PETITION
Filed: March 10, 2006 :
Attorney Docket No. J9001(C) :

This is in response to the petition under 37 CFR 1.47(a), filed May 30, 2006, requesting acceptance of a declaration executed by less than all the inventors in view of the inability to reach or locate joint inventor Douglas Ryan Eli. Papers filed on November 22, 2006 included a declaration signed by previously non-signing joint inventor Eli in compliance with 37 CFR 1.63.

The petition under 37 CFR 1.47(a) is now **DISMISSED AS MOOT.**

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

This application is being referred to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

QUINE INTELLECTUAL PROPERTY
LAW GROUP, P.C.
P O BOX 458
ALAMEDA, CA 94501

In re Application of :

COX, David R. et al. :
Application No. 11/373,837 : DECISION ON PETITION
Filed: March 09, 2006 : TO WITHDRAW
Attorney Docket No. **77-000510US** : FROM RECORD
:

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 03, 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 Jonathan A. Quine on behalf of all attorneys of record who are associated with customer No. 22798. 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 March 14, 2008 that requires a reply from the applicant.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **DAVID R. COX, M.D., PH.D.**
2743 HALMARK DRIVE
BELMONT, CALIFORNIA 94002

cc: **GOODWIN PROCTER, LLP**
135 COMMONWEALTH DRIVE
MENLO PARK, CALIFORNIA 94025

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JJGJR.: 06-06

Paper No: __

FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

COPY MAILED

JUN 0 5 2006

OFFICE OF PETITIONS

In re Application of :
Moktader, et al. :
Application No. 11/373,838 : DECISION ON PETITION
Receipt/Filing Date: 10 March, 2006 :
Attorney Docket No. 15471-002003 :

This is a decision on the petition filed on 1 May, 2006, and considered herein under 37 C.F.R. §1.53.

The instant petition is **DISMISSED** without prejudice.

BACKGROUND

The instant application was deposited on 10 March, 2006.

On 10 April, 2006, the Office of Initial Patent Examination (OIPE) mailed a Notice of Incomplete Application (the Notice) stating that the application had not been accorded a filing date because it had been deposited without drawings as required under 35 U.S.C. 113 (first sentence).

OIPE indicated that Petitioner might:

- contend via petition that the drawings were submitted, or that they were not necessary for a filing date; or

- submit the drawings and accept the date of submission as the filing date.

OIPE set a two- (2-) month period for reply.

On 1 May, 2006, Petitioner submitted the instant petition, including therewith, inter alia, a date-stamped ("031006") receipt card (see: MPEP §503[1]) seeking an 10 March, 2006, filing date for the application. Petitioner avers therein that the figures were included on filing.

ANALYSIS

A search of the official file reveals that:

- on 10 March, 2006, Petitioner deposited the instant application;

- the stamped receipt card evidences the following, in pertinent part:

---

[1] MPEP §503 provides in pertinent part:

§503 Application Number and Filing Receipt

* * *

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)).

* * *

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.)

* * *

-Drawings (informal, 29 sheets) (Emphasis supplied)

* * *

While Petitioner avers that 31 sheets of drawings were submitted–and presents drawing sheet enumerated as 1/31 - 31/31–the receipt card evidences instead receipt by the Office of only 29 sheets of drawings.

Petitioner avers further that the receipt card–which Petitioner prepared and supplied for use by the Office on deposit–was in error and that 29 sheets of drawings were deposited.

This averment is unsupported by the record–to wit: documents provided by Petitioner.

CONCLUSION

The petition is **dismissed** and Petitioner may–on renewed petition–represent to the Office which were the 29 sheets of drawings that were present on deposit.

Petitioner is given one (1) month to correct this deficiency, and the period is not extendable under 37 C.F.R. 1.136.

Further correspondence with respect to this matter should be addressed as follows:[2]

By mail: Commissioner for Patents[3]
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: IFW Formal Filings
(571) 273-8300
ATTN.: Office of Petitions

---

[2] On July 15, 2005, the Central Facsimile (FAX) Number will change from (703) 872-9306 to (571) 273-8300. Faxes sent to the old number will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and (571) 273-8300 will be the only facsimile number recognized for centralized delivery. (For further information. see: http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/cfax062005.pdf .)

[3] To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.

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

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JJGJR.: 06-06

Paper No: __

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JUL 10 2006

OFFICE OF PETITIONS

FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	
Moktader, et al.	:	
Application No. 11/373,838	:	DECISION ON PETITION
Receipt/Filing Date: 10 March, 2006	:	
Attorney Docket No. 15471-002003	:	

This is a decision on the petition filed on 15 June, 2006, and considered herein under 37 C.F.R. §1.53.

The instant petition is **GRANTED**.

BACKGROUND

The instant application was deposited on 10 March, 2006.

On 10 April, 2006, the Office of Initial Patent Examination (OIPE) mailed a Notice of Incomplete Application (the Notice) stating that the application had not been accorded a filing date because it had been deposited without drawings as required under 35 U.S.C. 113 (first sentence).

OIPE indicated that Petitioner might:

- contend via petition that the drawings were submitted, or that they were not necessary for a filing date; or

- submit the drawings and accept the date of submission as the filing date.

OIPE set a two- (2-) month period for reply.

On 1 May, 2006, Petitioner submitted the original petition, including therewith, *inter alia*, a date-stamped ("031006") receipt card (see: MPEP §503[1]) seeking an 10 March, 2006, filing date for the application.

The record reflects that:

- while Petitioner averred therein that the figures were included on filing–and to this end, Petitioner submitted thirty-one (31) sheets of drawings, enumerated by Petitioner on submission as "1 of 31" through "31 of 31" (Emphasis supplied);

- Petitioner's receipt card, however, stated, *inter alia*, "-Drawings (informal, 29 sheets)" (Emphasis supplied)," and the petition was dismissed on 5 June, 2006.

---

[1] MPEP §503 provides in pertinent part:

§503 Application Number and Filing Receipt

* * *

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)).

* * *

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.)

Petitioner now comes before the Office to renew his petition on 15 June, 2006, and in doing so, Petition avers that:

> As instructed by Mr. John J. Gillon in the Office of Petitions in a telephone call with my secretary, Lesley Arcidy, on June 13, 2006, the applicant encloses copies of the 29 sheets of drawings as originally filed with the application on March 10, 2006. (Emphasis supplied.)

That averment is incorrect.

The undersigned makes a practice of neither instructing, nor directing, nor advising any caller, visitor, or other inquirer to or before the Office to do anything. Rather, as a matter of practice the undersigned expressly indicates that:

- **the undersigned will discuss no application or patent in the specifics, though he will discuss in generalities where information may be found in the statutes (35 U.S.C.), rules/regulations (37 C.F.R.), and such guidance as provided in the commentary set forth in the Manual of Patent Examining Procedure (MPEP); and**

- **all inquirers must look to the statutes, rules/regulations, and the MPEP for what is the proper practice before the Office.**

Moreover, the undersigned expressly reminds all inquirers that the undersigned is not and cannot be the authority for anything done by anyone practicing before the Office, whether in a representational or *pro se* capacity.

Petitioner and all others who practice before the Office represent and act only upon the authority granted by Congress and administered by the Office. Further, Petitioner does so over his signature, registration number and under his continuing duty of candor to the Office–for it is Petitioner, and not his secretary or any other staff member, who is registered to practice before the Office.

Petitioner:

- submitted on 1 May, 2006: (a) a receipt card indicating 29 drawings deposited with the application, and (b) a set of thirty-one (31) sheets of drawings, enumerated by Petitioner on submission as "1 of 31" through "31 of 31" (Emphasis supplied);

- submitted on 15 June, 2006: (a) a receipt card indicating 29 drawings deposited with the application, and (b) a set of twenty-nine (29) sheets of drawings, enumerated by Petitioner

on submission as "1 of 29" through "29 of 29" (Emphasis supplied); and further avers that Petitioner's secretary was instructed to do so in a telephone conversation with the undersigned on 13 June, 2006.

Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

---

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

Specifically, the regulations at 37 C.F.R. §10.18 provide:

§ 10.18 Signature and certificate for correspondence filed in the Patent and Trademark Office.
(a) For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature by such practitioner complying with the provisions of §1.4(d), §1.4(e), or § 2.193(c)(1) of this chapter.
(b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—

(1) All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and

(2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that —

(i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office;

(ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

(c) Violations of paragraph (b)(1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions as deemed appropriate by the Commissioner, or the Commissioner's designee, which may include, but are not limited to, any combination of—

(1) Holding certain facts to have been established;
(2) Returning papers;
(3) Precluding a party from filing a paper, or presenting or contesting an issue;
(4) Imposing a monetary sanction;
(5) Requiring a terminal disclaimer for the period of the delay; or
(6) Terminating the proceedings in the Patent and Trademark Office.

(d) Any practitioner violating the provisions of this section may also be subject to disciplinary action. See § 10.23(c)(15).
[Added 50 FR 5175, Feb. 6, 1985, effective Mar. 8, 1985; para. (a) revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; paras. (a) & (b) revised, paras. (c) & (d) added, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

ANALYSIS

A search of the official file reveals that:

- on 10 March, 2006, Petitioner deposited the instant application;

- the stamped receipt card evidences the following, in pertinent part:

* * *

-Drawings (informal, 29 sheets) (Emphasis supplied)

* * *

Because Petitioner's receipt card adequately itemized the contents of the application on the receipt card, it is concluded that the application, including 29 sheets of drawings as described in the specification, was deposited with the Office on 10 March, 2006, and subsequently the 29 sheets of drawings, as described in the specification were misplaced in the Office.

Accordingly, the application, including 29 sheets of drawings, as described in the specification, is entitled to a filing date of 10 March, 2006.

The Notice mailed on 10 April, 2006, was sent in error and is hereby vacated to the extent that it stated that the application was filed omitting 29 sheets of drawings, as described in the specification.

CONCLUSION

The petition is **granted**.

This application is released to OIPE for further processing with a filing date of 10 March, 2006, for the entire application with pages 1 - 31 of the specification (description, claims and abstract) and 29 sheets of drawings, as described in the specification, using:

- **pages 1 - 31 of the specification (description, claims and abstract) deposited on 10 March, 2006; and**

- **and 29 sheets of drawing, as described in the specification, deposited on 15 June, 2006; and further**

with direction to OIPE to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 10 March, 2006, and reflecting therein that 31 pages of

the specification (description, claims and abstract) and 29 sheets of drawings, as described in the specification, were present on filing.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Fish & Richardson, PC
P.O. Box 1022
Minneapolis, MN 55440-1022

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JUL 3 1 2008

In re Application of :
Mohammed Moktader et al. :
Application No. 11/373,838 : DECISION ON PETITION
Filed: March 10, 2006 : TO WITHDRAW
Attorney Docket No. 15471-002003 : 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 10, 2008.

The request is **APPROVED**.

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

The request was signed by David L. Feigenbaum on behalf of all attorneys/agents of record. All attorneys/agents have been withdrawn.

The request to change the correspondence address has been changed and is copied below.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Mohammed Moktader
645 Westfield Street, #2
Springfield, MA 01089

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
11/373,838	03/10/2006	Mohammed Moktader	15471-002003

CONFIRMATION NO. 6645

POWER OF ATTORNEY NOTICE

26161
FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

Date Mailed: 07/30/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/10/2008.

- 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

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

COPY MAILED

JUL 11 2007

OFFICE OF PETITIONS

In re Application of :
KIM, Daniel H. et al. :
Application No. 11/373,848 : DECISION ON PETITION
Filed: March 10, 2006 : TO WITHDRAW
Attorney Docket No. **SPVW-003** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 06, 2007.

The request is **APPROVED**.

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

The request was signed by G. Peter Albert, Jr. on behalf of all attorneys of record who are associated with customer No. 24353. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no outstanding office actions at this time.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **DANIEL H. KIM**
411 LOS NINOS WAY
LOS ALTOS, CA 94022

cc: **JASON HUANG, ESQ.**
PATTERSON & SHERIDAN LLP
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON, TX 77056

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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
11/373,848	03/10/2006	Daniel H. Kim	SPVW-003

CONFIRMATION NO. 6579

OC000000024725482

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

Date Mailed: 07/09/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/06/2007.

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

Michelle R. Eason

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ZILKA-KOTAB, PC
P.O. BOX 721120
SAN JOSE CA 95172-1120

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NOV 16 2006

OFFICE OF PETITIONS

In re Application of
John M. Bird
Application No. 11/373,851
Filed: March 10, 2006
Attorney Docket No. SVIPGP017

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 29, 2006

The request is **APPROVED**.

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

The request was signed by Kevin Zilka on behalf of all attorneys of record who are associated with this application.

All attorneys/agents associated with this application have been withdrawn.

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

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: JOHN M. BIRD
2105 PONDEROSA DRIVE
SPARKS, NV 89431

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
11/373,851	03/10/2006	John M. Bird	SVIPGP017

CONFIRMATION NO. 6588

OC000000021238746

OC000000021238746

28875
Zilka-Kotab, PC
P.O. BOX 721120
SAN JOSE, CA 95172-1120

Date Mailed: 11/15/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/29/2006.

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

APRIL M WISE
OP (571) 272-1642

FORMER ATTORNEY/AGENT COPY

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McCulloch PLC
1st Floor
5291 Colony Drive North
Saginaw MI 48638

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JUL 0 5 2006

OFFICE OF PETITIONS

In re Application of :
Gruebel, et al. :
Application No. 11/373,871 : ON PETITION
Filed: March 13, 2006 :
Attorney Docket No. KVP-50391-US :
For: SOCKET PLUG/ COUPLING UNIT

This is a decision on the petition filed May 22, 2006 (certificate of mailing date May 19, 2006) under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of March 10, 2006, rather than the presently accorded filing date of March 13, 2006.

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

Petitioners request the earlier filing date on the basis that the application was deposited in Express Mail service on March 10, 2006, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of a USPS Express Mail Corporate Account Mailing Statement showing that Express Mail label no. EV738928757US was purchased on March 10, 2006. The same Express Mail label number is found on the original New Application Transmittal filed with the application papers. The "date-in" on the Express Mail label in question is blank.

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 Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;

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

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

A grantable petition under 37 CFR 1.10(d) must include "a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pick-up 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."

The petition filed May 22, 2006, (certificate of mailing date May 19, 2006), is accompanied by the corroborating evidence required by the rule. Accordingly, the petition is granted.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to **March 10, 2006** and the mailing of a corrected filing receipt.

Any inquiries related to 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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KING & SCHICKLI, PLLC
247 NORTH BROADWAY
LEXINGTON KY 40507

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SEP 17 2007

OFFICE OF PETITIONS

In re Application of
Brown
Application No. 11/373,893
Filed: March 13, 2006
Attorney Docket No. 1475-001

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed, March 22, 2007 (certificate of mailing date March 19, 2007), to change the name of inventor "Leetha Brown" to –Leetha Lewis--.

The petition is **DISMISSED**.

Any reconsideration petition should be filed within two months of the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

In order the change an inventor's name, the Office requires a $400.00 petition fee accompanied by EITHER a declaration signed with both names with an explanation of how the name change was effected (marriage, divorce, etc.) OR a certified copy of a court order for the name change.

Petitioner has provided a statement signed with only one name - Leetha Lewis - and a vague explanation as to how the change was effected.

In view of the above, the petition under § 1.182 cannot be granted at this time to change the inventor's name.

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

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

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

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

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

Shirene Willis Brantley

Shirene Willis 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
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IBM CORPORATION
3039 CORNWALLIS ROAD
DEPT. T81/B503, PO BOX12195
RESEARCH TRIANGLE PARK, NC 27709

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NOV 28 2006

OFFICE OF PETITIONS

In re Application of :
Lucinio Santos et al. :
Application No. 11/373,904 : DECISION GRANTING PETITION
Filed: March 10, 2006 :
Attorney Docket No.: RSW920050139US1 :

This is a decision on the petition filed September 5, 2006, in response to the Notice of Incomplete Nonprovisional Application mailed August 16, 2006, requesting that the above identified application be accorded a filing date of March 10, 2006. The petition is treated under 37 CFR 1.53

On March 10, 2006 the application was filed. However, on August 16, 2006, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" stating that the application had not been accorded a filing date because the application was deposited without a specification and that the filing date of the application would be the date of receipt of the specification.

In response, the present petition with an express mail label showing a date-in of March 10, 2006, a copy of petitioner's postcard receipt which shows an official USPTO date-stamp of March 10, 2006, and the above-identified application number, and acknowledges receipt of, *inter alia*, a 30 page specification and a complete copy of the application as filed on March 10, 2006, including the specification was supplied. Petitioners argue that the specification was filed with the other application papers on March 10, 2006. Petitioner requests that the application, including the specification, be accorded a filing date of March 10, 2006.

Upon review, the specification purportedly deposited on March 10, 2006 has not been located among the application papers. However, the post card receipt which lacks any notation of non-receipt of any item listed, pursuant to MPEP 503, is convincing evidence that the application papers deposited on March 10, 2006 included a 26 page specification, which was subsequently misplaced in the USPTO. Therefore, the application, including the specification, was complete on filing and entitled to a filing date of March 10, 2006.

As petitioner submits a copy of the Express Mail label as proof that the application as

filed was complete, the petition is treated under 37 CFR 1.53 and not 37 CFR 1.10 because the Express Mail label cannot be used as evidence of the receipt of the specification on March 10, 2006. Where there is a dispute as to the *contents* of correspondence submitted to the Office an applicant may not rely upon the provisions of 37 CFR 1.10 to establish what documents and or fees were filed in the Office with such correspondence. Reliance on an express mail label is only appropriate where the correspondence was sent by Express Mail but nothing was received by the Office.

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

Finally, there is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

The Notice of Incomplete Nonprovisional Application mailed August 16, 2006, is withdrawn. Therefore, the petition fee as well as all other excess fees have been credited back to deposit account no. 09-0461.

The application is being returned to the Office of Initial Patent Examination for reprocessing with a filing date of March 10, 2006, using the application papers filed on March 10, 2006 and the papers supplied on September 5, 2006 with the instant petition.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:
RUDOLPH J. BUCHEL, JR., PC
P.O. BOX 702526
DALLAS, TX 75370-2526

UNITED STATES PATENT AND TRADEMARK OFFICE

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Date: 06/09/08

Patent No. : 7330630 B2
Ser. No. : 11/373,913
Inventor(s) : TANAKA, KOUTAROU
Issued : 02/12/08
Title : **WAVEGUIDE TYPE VARIABLE OPTICAL ATTENUATOR**
Docket No. : **035532-0197**

Re: Request for Certificate of Correction

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

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

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

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

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

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

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

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

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

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

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

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(703)-305-5358 or (703) 308-9390 #112

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

LMN

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3000 K STREET NW
WASHINGTON DC 20007

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JUN 11 2008

OFFICE OF PETITIONS

In re Patent No. 7330630	:	
Issue Date: 02/12/2008	:	
Application No. 11/373913	:	ON PETITION
Filed: 03/14/2006	:	
Attorney Docket No. 035532-0197	:	

This is a decision on the petition filed on April 22, 2008, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3231. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Petitioner should note that a processing fee of $130.00 rather than a petition fee of $200.00 is due for the processing of this request. The $70.00 over payment will be refunded.

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.

/D Wood/

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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

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ECKERT SEAMANS CHERIN & MELLOTT, LLC.
600 GRANT STREET, 44TH FLOOR
PITTSBURGH, PA 15219

Mail Date: 04/20/2010

Applicant	: Mark R. Megarity	: DECISION ON REQUEST FOR
Patent Number	: 7586854	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/373,918	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **692** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Tiajoloff & Kelly
Chrysler Building, 37th Floor
405 Lexington Avenue
New York, NY 10174

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OFFICE OF PETITIONS

In re Application of	:	
Assaf Shappir	:	
Application No. 11/373,932	:	DECISION ON PETITION
Filed: March 13, 2006	:	TO WITHDRAW
Attorney Docket No. ELG-P-7714-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 L. Tiajoloff 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: **Assaf Shappir**
Hakashet St. 6/34
Kiryat Ono, 55401
Israel

cc: **Empk & Shiloh, LLP**
116 John Street
Suite 1201
New York, NY 10038

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/373,932	03/13/2006	Assaf Shappir	ELG-P-7714-US

CONFIRMATION NO. 8857

28481
TIAJOLOFF & KELLY
CHRYSLER BUILDING, 37TH FLOOR
405 LEXINGTON AVENUE
NEW YORK, NY 10174

POWER OF ATTORNEY NOTICE

OC000000026842900

Date Mailed: 11/21/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/05/2007.

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

/tswilliams/

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

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

Mail Date: 04/21/2010

Applicant	: Chami Arumughan	: DECISION ON REQUEST FOR
Patent Number	: 7632530	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/373,933	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **934** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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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Roger Pitt
Kirkpatrick & Lockhart Nicholson Graham LLP
599 Lexington Avenue
33rd Floor
New York, NY 10022-6030

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SEP 0 5 2006

OFFICE OF PETITIONS

In re Application of :
David Schlossman et al. :
Application No. 11/373,934 :
Filed: March 13, 2006 :
Attorney Docket No. 25629/17 :

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 27, 2006.

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

A review of the file record indicates that the power of attorney to Roger Pitt, Anthony H. Handal and Kelly D. Talcott have been revoked by the assignee of the patent application on July 24, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Amelia Au
Petitions Examiner
Office of Petitions

cc: Brown, Rudnick, Berlack & Israels, LLP
Box IP, 18th Floor
One Financial Center
Boston, MA 02111

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VIERRA MAGEN/SANDISK CORPORATION
575 MARKET STREET
SUITE 2500
SAN FRANCISCO, CA 94105

Mail Date: 04/21/2010

Applicant	: Che-Jung Chang	: DECISION ON REQUEST FOR
Patent Number	: 7615861	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/373,941	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **266** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

DEC 14 2007

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of :
Lawrence K. Pierce
Serial No.: 11/373,964 : PETITION DECISION
Filed: March 13, 2006
Attorney Docket No.: 1434-012

This is in response to the petition under 37 CFR § 1.59(b), filed December 4, 2007, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on December 4, 2007, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Applicant may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist/Program Manager
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/373,964	03/13/2006	Lawrence K. Pierce	1434-012	7368

32905 7590 06/20/2008

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER	
ROBINSON, KEITH O NEAL	

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
06/20/2008	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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Commissioner for Patents
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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of :
Lawrence K. Pierce
Serial No.: 11/373,964
Filed: March 13, 2006
Attorney Docket No.: 1434-012

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed June 13, 2008, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on December 4, 2007 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper. Also, as stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. As this application has been allowed, the information is being returned to applicant.

Therefore, applicant's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist/Program Manager
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

Mail Date: 04/27/2010

Applicant	: Toshiyuki Kawasaki	: DECISION ON REQUEST FOR
Patent Number	: 7577070	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/373,992	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Mail Date: 06/21/2010

Applicant	: Richard E. Toth	: DECISION ON REQUEST FOR
Patent Number	: 7632355	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/373,995	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **266** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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COMPUTER PATENT ANNUITIES
225 REINEKERS LANE
SUITE 400
ALEXANDRIA, VA 22314

Mail Date: 04/21/2010

Applicant	: Tae Hee Ha	: DECISION ON REQUEST FOR
Patent Number	: 7576219	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/374,034	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA VA 22314

COPY MAILED
SEP 15 2008

In re Application of :
Daniel C. CARTER et al. :
Application No. 11/374,066 : DECISION ON PETITION
Filed: March 14, 2006 :
Attorney Docket No. **P07624US02/BAS** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 07, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 24, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 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 an amendment, (2) the petition fee of $770, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of August 24, 2007 is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 1648 for appropriate action on the concurrently filed amendment.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 11374066 Total Records Found: 8

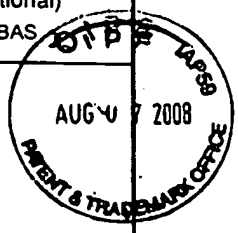
Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
08/08/2008	00000090	1	2453	$770.00	08/07/2008	CC
08/08/2008	00000091	1	2814	$65.00	08/07/2008	CC
10/16/2007	00000144	1	1806	$180.00	10/15/2007	CC
07/12/2006	00000185	1	2202	$125.00	07/11/2006	CC
07/12/2006	00000186	1	2251	$60.00	07/11/2006	CC
03/16/2006	00000312	1	2011	$150.00	03/14/2006	CC
03/16/2006	00000313	1	2111	$250.00	03/14/2006	CC
03/16/2006	00000314	1	2311	$100.00	03/14/2006	CC

PTO/SB/64 (01-08)
Approved for use through 04/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)
P07624US02/BAS



First named inventor: CARTER

Application No.: 11/374,066 Art Unit: 1648

Filed: March 14, 2006 Examiner: Mosher, Mary

Title: FERRITIN FUSION PROTEINS FOR USE IN VACCINES AND OTHER APPLICATIONS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571).272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee
☑ Small entity-fee $ 770.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee
A. The reply and/or fee to the above-noted Office action in the form of an Amendment (identify type of reply):
☐ has been filed previously on _____.
☑ is enclosed herewith. with a Terminal Disclaimer to overcome double-patenting rejection.
B. The issue fee and publication fee (if applicable) of $ _____.
☐ has been paid previously on _____.
☐ is enclosed herewith.

08/08/2008 MAHMED1 00000025 11374066
01 FC:2453 770.00 OP

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

3. Terminal disclaimer with disclaimer fee

☑ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

B. Aaron Schulman — Signature

8/7/08 — Date

B. Aaron Schulman — Typed or printed name

31,877 — Registration Number, if applicable

Stites & Harbison PLLC — Address

703-739-4900 — Telephone Number

1199 North Fairfax Street, Suite 900, Alexandria, VA 22314 — Address

Enclosures:
☑ Fee Payment
☑ Reply including a Terminal Disclaimer to overcome double-patenting rejection.
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date _____ Signature _____

Typed or printed name of person signing certificate _____

UNITED STATES PATENT AND TRADEMARK OFFICE

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STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

Mail Date: 04/21/2010

Applicant	: Daniel C. Carter	: DECISION ON REQUEST FOR
Patent Number	: 7608268	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/374,066	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **239** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON, DC 20006

Mail Date: 04/21/2010

Applicant	: Sang-cheol Park	: DECISION ON REQUEST FOR
Patent Number	: 7611236	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/374,079	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **279** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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DEC 0 8 2008

In re Application of :
Carlo Migli :
Application No. 11/374088 :
Filing or 371(c) Date: 03/14/2006 :
Attorney Docket Number: Q93769 : ON PETITION

This is a decision on the "Petition for New Office Action and Withdrawal of Holding of Abandonment Under MPEP Section 711.03(c)(I)," filed October 17, 2008. The petition is properly treated under 37 CFR 1.181(a).

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 January 7, 2008. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned April 8, 2008. A Notice of Abandonment was mailed September 25, 2008.

Applicant files the present petition and in support of the petition files copies of the docket from January 7, 2008 to January 15, 2008, where the nonreceived Office action would have been entered had it been received, and for April 7, 2008, when a response to the Office action would have been docketed as due.

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).MPEP 711.03(c)

Analysis

A review of the copy of the docket record for April 7, 2008, when a response to the Office action would have been docketed as due, reveals that the docket record has apparently been redacted such that entries have been removed. The petition does not address whether the docket record has been redacted; however, several entries of "due dates" have no corresponding application information. Also, several gaps between due dates appear in the copy of the docket records.

The petition is dismissed without prejudice. Applicant should file a Request for Reconsideration of Petition and clarify whether the copy of the docket record for April 7, 2008, when a response to the Office action would have been docketed as due, has been redacted, and if so, re-submit the

copy with information that would allow this Office to determine whether a reply for the present application was docketed for April 7, 2008.

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

By mail:	Director for Patents PO Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

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

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

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MAR 18 2009

OFFICE OF PETITIONS

In re Application of :
Carlo Migli :
Application No. 11/374088 :
Filing or 371(c) Date: 03/14/2006 :
Attorney Docket Number: Q93769 : ON PETITION

This is a decision on the "Request for Reconsideration for Petition for New Office Action and Withdrawal of Holding of Abandonment Under MPEP Section 711.03(c)(I)," filed February 9, 2009. The renewed petition is properly treated under 37 CFR 1.181(a).

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed January 7, 2008. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned April 8, 2008. A Notice of Abandonment was mailed September 25, 2008.

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. No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 3683 for re-mailing of the Office action and re-setting the period for reply.

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

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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BUCHANAN INGERSOLL & ROONEY, PC
P.O. BOX 1404
ALEXANDRIA, VA 22313-1404

Mail Date: 04/20/2010

Applicant	: Rusty Tucker	: DECISION ON REQUEST FOR
Patent Number	: 7600037	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/374,091	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **248** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 : 4/1/09

TO SPE OF : ART UNIT 3661

SUBJECT : Request for Certificate of Correction for Appl. No.: 11374096 Patent No.: 7092801 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

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

Thank You For Your Assistance

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

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

Comments: _____

_____

_____

_____

_____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Thomas G. Black/ 3661

SPE Art Unit

SPE: D. Gray

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7/5/07

TO SPE OF : ART UNIT 2852

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/374,097 Patent No.: 7107006

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

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

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

Lamonte M. Newsome
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: Both certificate of corrections, filed 6/13/07 and 6/18/07, are approved.

Andrea for

SPE

2852

Art Unit

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BenQ Corporation
16 Jihu Road, Neihu
TAIPEI, 11492
TAIWAN

Mail Date: 05/24/2010

Applicant	: Ting-Hui Chih	: DECISION ON REQUEST FOR
Patent Number	: 7621501	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/374,113	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **567** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

Mail Date: 04/21/2010

Applicant	: Yoshinori Maeno	: DECISION ON REQUEST FOR
Patent Number	: 7585422	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/374,117	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **803** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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JUL 13 2006

OFFICE OF PETITIONS

In re Application of :
You, et al. :
Application No. 11/374,128 : DECISION ON PETITION
Filed: March 14, 2006 :
Attorney Docket No. YOUH3001C/REF :

This is a decision on the "RESPONSE AND PETITION", filed April 21, 2006, which is being treated as a petition under 37 CFR 1.182 requesting that the above-identified application be accorded a filing date of March 14, 2006.

The instant application was deposited on March 14, 2006, claiming the benefit of priority to application no. 10/809,358. However, the instant application omitted a copy of the drawings. Accordingly, on April 10, 2006, the Office of Initial Patent Examination properly mailed a "Notice of Incomplete Nonprovisional Application", requiring drawings and stating that the filing date would be the date of receipt of the drawings. The Notice also required an executed oath or declaration.

In response, applicants filed the present petition on April 21, 2006, together with a an executed declaration. A review of the record reveals that applicants incorporated application no. 10/809,358 via a priority claim pursuant to 37 CFR 1.57(a).

With respect to the practice of incorporation by reference, the Manual of Patent Examining Procedure states:

> Material needed to accord an application a filing date may not be incorporated by reference. Therefore, if a continuation or divisional application as originally filed incorporates by reference material omitted from the application papers, which is needed to accord the application a filing date, the application will not be entitled to a filing date. A petition under 37 CFR 1.182 and the required petition fee, including an amendment submitting the necessary omitted material, requesting that the necessary omitted material contained in the prior application and submitted in the amendment, be included in the continuation or divisional application based upon the incorporation by reference statement, is required in order to accord the application a filing date as of the date of deposit of the continuation or divisional application. An amendment submitting the omitted material and relying upon the incorporation by reference will not be entered in the continuation or divisional application unless a decision granting the petition states that the application is accorded a filing date and that the amendment will be entered.[1]

Incorporation by reference is intended as a safeguard to protect an applicant who in a continuation or divisional application has omitted a "portion" of the application on filing.[2] Here, applicants omitted drawings in their entirety. However, petitioners incorporated application no. 10/809,358 via a priority claim pursuant to 37 CFR 1.57(a). In addition, petitioners submitted the omitted drawings, and the $400 petition fee. While petitioners did not submit an amendment seeking the drawings' entry, for purposes of this petition that requirement is being waived *sua sponte*. Applicants should still file an amendment with the examiner seeking entry of the drawings prior to the mailing of the first Office action.

In view thereof, the petition is **GRANTED**.

The $400 petition fee has been charged to Deposit Account No. 02-0200, as authorized.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a **filing date of March 14, 2006**, using the application papers received in the Office on that date and the four (4) sheets of drawings supplied on petition filed April 21, 2006. Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

---

[1] MPEP 201.06(c) (emphasis added).

[2] See id.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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Anglehart et al.
Suite 258
393 St-Jacques
Montreal QC H2Y 1N9 CA CANADA

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MAR 02 2010

In re Application of	:	
Martin Cousineau	:	
Application No. 11/374,146	:	DECISION ON PETITION
Filed: March 14, 2006	:	
Attorney Docket No. **672-B01-1.US**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 29, 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 November 13, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 14, 2009

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

The address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 3679 for appropriate action by the Examiner in the normal course of business.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Martin Cousineau
601 Iberville Blvd
Repentigny, Quebec, J6A 2C2 Canada

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

In re application of
Lee Osborne
Application No. 11/374,166
Filed: March 14, 2006
For: ADJUSTABLE COAL SCREENING APPARATUS

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

This is a decision on the petition filed on October 3, 2006 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

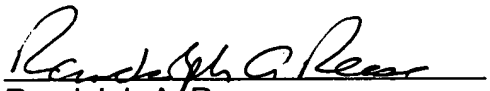
To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be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

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

The petition to make special under accelerated examination under 37 C.F.R. § 1.102(d) is not acceptable because it was not filed with the application as required in the above Federal Register Notice of June 26, 2006. It appears that the petition was filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines. Since applicant's petition was received on October 3, 2006 the petition must be considered under the new guidelines and thus is properly **DENIED**.

For the above-stated reasons, the petition is denied. Therefore the application will be examined in its regular turn.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-6619.



Randolph A. Reese
Quality Assurance Specialist
Technology Center 3600

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LOUIS DEVITIS
743 PERRINEVILLE ROAD
PERRINEVILLE, NJ 08535-1041

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FEB 09 2009

OFFICE OF PETITIONS

In re Application of :
Louis **DEVITIS** :
Application No. 12/374,232 :
Filed: March 13, 2006 :
Attorney Docket No. **DEVITIS 001** :

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 8, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing such that at least on 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 statement of inventor Louis DeVitis, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-3700.

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

The application is being forwarded to the Technology Center Art Unit 3727 for action on the merits commensurate with this decision.

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

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DUFT BORNSEN & FISHMAN, LLP
1526 SPRUCE STREET
SUITE 302
BOULDER, CO 80302

Mail Date: 05/03/2010

Applicant	: Yigang Cai	: DECISION ON REQUEST FOR
Patent Number	: 7620384	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/374,262	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **645** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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.
11/374,270	03/13/2006	Simon John Towers	ADE002001	9053

64107 7590 03/12/2008

KOKKA & BACKUS, PC
200 PAGE MILL ROAD
SUITE 103
PALO ALTO, CA 94306

EXAMINER	
HU, JENSEN	

ART UNIT	PAPER NUMBER
4152	

MAIL DATE	DELIVERY MODE
03/12/2008	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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Scott S. Kokka
KOKKA & BACKUS, PC
200 Page Mill Road
Suite 103
Palo Alto, CA 94306

In re Application of:
TOWERS et al.
Appl. No.: 11/374,270
Filed: March 3, 2006
For: AUGMENTING THE CONTENTS OF AN ELECTRONIC DOCUMENT WITH DATA RETRIEVED FROM A SEARCH

DECISION ON PETITION
UNDER 37 CFR § 1.59

This is a decision on the petition under 37 CFR § 1.59(b), filed on 29 February 2008, to expunge information from the above-identified application.

The petition is **DISMISSED**.

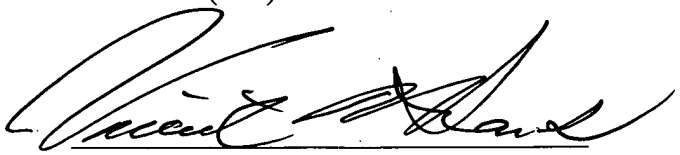
Petitioner requests that the information submitted on 29 June 2007 be expunged from the record. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The petition is deficient for the following reasons:

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

The petition does not contain a clear statement that the information requested to be expunged is either: (1) a trade secret, proprietary, and/or subject to a protective order; or (2) was unintentionally submitted and failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted.

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



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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/374,270	03/13/2006	Simon John Towers	6067-15000	9053

65132 7590 07/09/2008

M.H.K.K.G., P.C. / ADOBE SYSTEMS INCORPORATED
P.O. BOX 398
AUSTIN, TX 78767-0398

EXAMINER	
HU, JENSEN	

ART UNIT	PAPER NUMBER
2169	

MAIL DATE	DELIVERY MODE
07/09/2008	PAPER

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

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

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Scott S. Kokka
KOKKA & BACKUS, PC
200 Page Mill Road
Suite 103
Palo Alto, CA 94306

In re Application of:
TOWERS et al.
Appl. No.: 11/374,270
Filed: March 3, 2006
For: AUGMENTING THE CONTENTS OF AN ELECTRONIC DOCUMENT WITH DATA RETRIEVED FROM A SEARCH

DECISION ON PETITION UNDER 37 CFR 1.59

This is a decision on the petition under 37 CFR 1.59(b), filed on 24 March 2008, to expunge information submitted on 26 June 2007.

The petition is **GRANTED**.

Petitioner requests that the IDS submitted on 26 June 2007 be expunged from the record. Petitioner states that the IDS was unintentionally submitted. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The expunged IDS has been closed from public view and will not be returned to applicant.

It is noted that the instant application has been published on 13 September 2007. Thus, the aforementioned IDS submitted on 26 June 2007 has already been made available to the public and subject to copying by the public. According, the Office cannot guarantee that the information 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, SPRE/QAS
Technology Center 2100
Computer Architecture, Software, and
Information Security

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/690,697	06/15/2005	Bernd J. Neudecker	014.2006

CONFIRMATION NO.

49837
S2IPLAW, PLLC
300 MASSACHUSETTS AVENUE, NW
SUITE 1101
WASHINGTON, DC 20001-2692

Date Mailed: 07/26/2006

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **05/10/2006**, to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/374,282.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L. TIPPETT
Office of Initial Patent Examination
(571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382

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LAWRENCE SUNG0- S2IPLAW, PLLC
401 9TH STREET, NW
SUITE 900-NIXON PEABODY LLP
WASHINGTON DC 20004-2128

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MAR 14 2007

OFFICE OF PETITIONS

In re Application of
Bernd J. Neudecker et al.
Application No. 11/374,282
Filed: June 15, 2005
Attorney Docket No. 014.2006

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition filed May 10, 2006, 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 set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

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

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

The petition does not satisfy item (1) above.

The reference to add the prior-filed application on page one following the first sentence of the specification is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added

after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet (37 CFR 1.76(a)(5)) or a proper amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

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

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

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

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

Any questions concerning this matter may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Nancy Johnson for

Ira Lazarus
Supervisory Petitions Examiner
Office of Petitions

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401 9TH STREET, NW
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WASHINGTON DC 20004-2128

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MAY 10 2007

OFFICE OF PETITIONS

In re Application of :
Bernd J. Neudecker et al. :
Application No. 11/374,282 : DECISION ON PETITION
Filed: June 15, 2005 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 014.2006 :

This is a decision on the renewed petition filed March 27, 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 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.

A petition filed May 10, 2006 was dismissed in a decision mailed March 14, 2007 because the concurrently filed amendment improperly incorporated by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference

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).

Comes now petitioner with the instant renewed petition and amended specification.

All 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 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 matter is being referred to Technology Center Art Unit 1745 for appropriate action on the amendment filed March 14, 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 application.

Charles Pearson
Director
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
11/374,282	06/15/2005	1745	1330	014.2006	264	12

CONFIRMATION NO. 9553

49837
LAWRENCE SUNG0- S2IPLAW, PLLC
401 9TH STREET, NW
SUITE 900-NIXON PEABODY LLP
WASHINGTON, DC 20004-2128

CORRECTED FILING RECEIPT

OC000000023778232

OC000000023778232

Date Mailed: 05/09/2007

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)

Bernd J. Neudecker, Littleton, CO;
Jeanne M. McGraw, Golden, CO;
Brian K. Emerson, Littleton, CO;
Shawn W. Snyder, Golden, CO;

Power of Attorney:

Jeff Schwartz--39019

Domestic Priority data as claimed by applicant

This application is a CIP of 10/215,190 08/09/2002 PAT 6,916,679

Foreign Applications

If Required, Foreign Filing License Granted: 06/30/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/374,282

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

Non-Publication Request: No

Early Publication Request: No

Title

Electrochemical apparatus with barrier layer protected substrate

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).

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/599,989	08/09/2004	Michael P. Mortensen	200312149-1

CONFIRMATION NO.

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. BOX 272400
Fort Collins, CO 80527-2400

Date Mailed: 04/10/2006

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(3) TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **02/28/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(3).

A grantable request under 37 CFR 1.53(c)(3) to convert a provisional application to a non-provisional application must be accompanied by the fee set forth in 37 CFR 1.17(i) and an amendment including at least one claim if no claim is present in the provisional application and be filed prior to the earliest of: abandonment of the provisional application filed under 37 CFR 1.53(c) or expiration of twelve months after the filing date of the provisional application filed under 37 CFR 1.53(c). The present request is not grantable because:

It is not accompanied by the fee required by 37 CFR 1.17(i).

Any request for reconsideration of this decision must be filed within TWO MONTHS of the date of this decision. This time limit may NOT be extended pursuant to 37 CFR 1.136. The request must be accompanied by the items noted above.

Any inquiries related to this decision should be directed to Customer Service at (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382.

A copy of this notice MUST be returned with the reply.

JANICE A. TIPPETT
Office of Initial Patent Examination

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/599,989	08/09/2004	Michael P. Mortensen	200312149-1

CONFIRMATION NO.

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. BOX 272400
Fort Collins, CO 80527-2400

Date Mailed: 08/08/2006

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on , to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/374,283.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
(571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382

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MITRA TADAYONI-REBEK
2330 CALLE DEL ORO
LA JOLLA, CA 92037-3034

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OCT 2 7 2008

OFFICE OF PETITIONS

In re Application of :
Mitra Tadayoni-Rebek :
Application No. 11/374,294 : DECISION ON PETITION
Filed: November 5, 2004 :
Attorney Docket No. :

This is a decision on the petition, filed April 7, 2008, 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 Notification of Missing Parts of July 18, 2007, which set a two (2) month shortened statutory period for reply. Accordingly, a reply was due on or before September 19, 2007.

Petitioner states that a timely reply was mailed on August 2, 2007 with an incorrect application number. The USPTO records show a timely reply was received on August 3, 2007 with a corrected application number, which is 11/374,294.

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 Notification of Missing Parts of July 18, 2007 is hereby withdrawn and the application restored to pending status.

This application is being referred to the Office of Patent Examination Processing

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Mitra Tadayoni-Rebek
2330 Calle Del Oro
La Jolla CA 92037-3034

MAILED

JUN 21 2010

OFFICE OF PETITIONS

In re Application of :
MITRA TADAYONI-REBEK :
Application No. 11/374,294 : ON PETITION
Filed: November 5, 2004 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 20, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 28, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 29, 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) (2).

As to item (2)

Petitioner has submitted $770 for the payment for the petition fee. However, effective October 2, 2008, the fee for a petition to revive had increased to $810. Therefore, the petition fee is deficient by $40 and must be submitted before the instant petition can be revived.

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:
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By hand:
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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 571-272-4584

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/783,802	03/16/2006	Michael Milburn	SIRT-P63-014

CONFIRMATION NO.

28120
FISH & NEAVE IP GROUP
ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624

Date Mailed: 11/27/2006

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **11/03/2006,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/374,295.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
(571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/570,937	05/13/2004	John Ray Pessetto	200309114-1

CONFIRMATION NO.

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

Date Mailed: 12/18/2006

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **04/08/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/374,296.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
Office of Initial Patent Examination
(571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382

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MONSANTO COMPANY
800 N. LINDBERGH BLVD.
ATTENTION: GAIL P. WUELLNER, IP PARALEGAL, (E2NA)
ST. LOUIS MO 63167

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MAY 23 2007

OFFICE OF PETITIONS

In re Application of	:	
Mark Scott Abad	:	
Application No. 11/374,300	:	DECISION DISMISSING
Filed: December 21, 2005	:	PETITION
Attorney Docket No. **38-21(53720)D US**	:	

This is a decision on the petition filed April 30, 2007, requesting that the above-identified application be accorded a filing date of December 21, 2005, with Page 45 of the specification as a part of the original disclosure.

After the application was filed, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items in a Nonprovisional Application on February 28, 2007, stating that the application had been accorded a filing date of December 21, 2005, but that Page 45 of the specification (description and claims) appeared to have been omitted from the application.

In response, the present petition was filed. Petitioners argue that a complete application was present on December 21, 2005, for filing date purposes. Petitioners include a copy of the application as filed and argue that both the instant application and the corresponding international application, filed on even date, both include page 45 of the specification and thus that page 45 was not omitted.

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 have not provided a postcard receipt (properly itemized) as proof of filing and thus, the petition is **DISMISSED**.

The copy of Page 45 of the specification supplied with the present petition will not be used for processing or examination, but will be retained in the application file. Petitioner may file Page 45 as a preliminary amendment. If Page 45 is filed as a preliminary amendment, the amendment will be reviewed for new matter.

As this petition was necessitated by applicants' filing error rather than an error on the part of the Office, the petition fee will not be refunded.

This matter is being referred to the Office of Initial Patent Examination for further processing with a filing date of December 21, 2005, using the application papers filed on that date and not page 45 of the specification submitted on 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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MONSANTO COMPANY
800 N. LINDBERGH BLVD.
ATTENTION: GAIL P. WUELLNER, IP PARALEGAL, (E2NA)
ST. LOUIS MO 63167

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JUN 14 2007

OFFICE OF PETITIONS

In re Application of :
Mark Scott Abad :
Application No. 11/374,300 : DECISION GRANTING
Filed: December 21, 2005 : PETITION
Attorney Docket No. **38-21(53720)D US** :

This is a decision on the renewed petition filed June 7, 2007, requesting that the above-identified application be accorded a filing date of December 21, 2005, with Page 45 of the specification as a part of the original disclosure.

After the application was filed, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items in a Nonprovisional Application on February 28, 2007, stating that the application had been accorded a filing date of December 21, 2005, but that Page 45 of the specification (description and claims) appeared to have been omitted from the application. In a petition filed April 30, 2007, petitioners asserted that page 45 was included with the original application papers but the petition was dismissed in a decision mailed May 23, 2007 because no additional proof was submitted to substantiate the claim.

Comes now petitioner with a copy of a date-stamped postcard receipt as proof that a complete specification was filed with the original application papers and as the postcard receipt lacks any notation of non-receipt of any item listed, the petition is **GRANTED**.[1]

Given the basis for granting the petition, no petition fee is due and thus the petition fee in the amount of $400.00 submitted April 30, 2007 will be credited to deposit account no. 13-4125.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing, using the application papers received in the Office on December 21,

[1]While the postcard receipt identifies the application as 60/752,355, a review of the file reveals that the instant application is the result of a request under 37 CFR 1.53(c)(3) to convert the provisional application to a non-provisional.

2005 and the papers, including page 45 of the specification filed April 30, 2007.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
~~60/753,976~~ 11374301	12/23/2005	Daniel Fischer	132702-0178

CONFIRMATION NO.

50659
BUTZEL LONG
STONERIDGE WEST
41000 WOODWARD AVENUE
BLOOMFIELD HILLS, MI 48304

Date Mailed: 03/22/2007

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **12/26/2006,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/374,301.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L. TIPPETT
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.
~~60/585,552~~ 11/374,302	07/02/2004	Sheng (Ted) Tai Tsao	

CONFIRMATION NO.

Sheng (Ted) Tai Tsao
2979 Heidi Drive
San Jose, CA 95132

Date Mailed: 04/05/2007

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **06/23/2005,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/374,302.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
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.
~~60/799,171~~ 11374304	05/09/2006	Robert I. Goldman	060078

CONFIRMATION NO.

24243
CHARMASSON, BUCHACA & LEACH, LLP
1545 HOTEL CIRCLE SOUTH, SUITE 150
SAN DIEGO, CA 92108-3426

Date Mailed: 04/12/2007

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **12/06/2006,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/374,304.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

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

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

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SEP 20 2006

OFFICE OF PETITIONS

In re Application of	:	
Durham et al.	:	
Application No. 60/812,715	:	ON PETITION
Filed: June 1, 2006	:	
Atty Docket No.:	:	
MULTICHEM-0001 PRO	:	
(124050.00048)	:	

This is a decision on the Petition to Correct Filing Date of Application, filed July 31, 2006, requesting the above-identified application be accorded the filing date of June 1, 2006, instead of the presently accorded filing date of June 2, 2006. The petition is properly treated under 37 CFR 1.10.

This Petition is hereby **granted**.

Petitioner alleges that the application was deposited in Express Mail service on June 1, 2006. In support of this assertion, the petition is accompanied by a copy of Express Mail label No. EV904732805US. A review of the Express Mail label, No. EV904732805US, reveals that the "Date In" indicated on the Express Mail label is June 1, 2006. Moreover, the Express Mail label contains a United States Postal Service (USPS) stamp, also dated June 1, 2006. The same Express Mail label number was placed on the Provisional Application for Patent Cover Sheet filed with the application.

The application file is being referred to the Office of Initial patent Examination for correction of the filing date to June 1, 2006 and for the mailing of a Corrected Filing Receipt.

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

Derek L. Woods
Attorney
Office of Petitions

Copied from 60812715 on 06/05/2007

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

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APR 16 2008

In re Application of :
Archer, Durham, and Thornton :
Application No. 11/374,308 :
Filed: June 1, 2006 :
Atty. Docket No. MULT-0001(124050.48) :
For: Defoamer Composition For :
Suppressing Oil-Based And :
Water-Based Foams :

Decision According Status
Under 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed October 12, 2007.

The petition is **granted**.

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 refused to sign the declaration 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 non-signing inventor(s).

In addition to the above requirements, the signing inventors must sign the declaration on behalf of the non-signing inventor. See MPEP 409.03(a).

With respect to item (2), a declaration must identify each inventor and state that the person executing the declaration believes the named inventor or inventors are the original and first inventor or inventors of the claimed subject matter. See 37 CFR 1.63.

The declaration signed by Archer only lists Archer as an inventor. The declaration signed by Durham only lists Durham as an inventor. For these reasons, the declarations would normally not be accepted. However, in the instant case, petitioner has filed a supplemental page to the declaration signed by Archer and Durham. The supplemental page lists the name of all three inventors. Therefore, the declarations, including the supplemental page, will be accepted. However, in the future, petitioner should ensure any declaration signed by an inventor lists the names of all the inventors.

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.

Technology Center Art Unit 1712 will be informed of the instant decision and of the fact the declarations have been accepted without the signature of inventor Thornton.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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

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SEP 0 2 2008

OFFICE OF PETITIONS

In re Application of
Archer, Durham and Thornton
Appl. No.: 11/374,308
Filing Date: June 1, 2006
Title: DEFOAMER COMPOSITION FOR SUPPRESSING OIL-BASED AND WATER-BASED FOAMS
Attorney Docket No.: MULT-0001 (124050.00048)

This is in response to the "REQUEST BY ASSIGNEE TO PREVENT INVENTOR FROM OBTAINING ACCESS TO THE FILE" which was received on October 12, 2007, for the above-identified application.

The petition is before the Office of Patent Legal Administration for decision.

The petition is **DISMISSED as moot.**

DECISION

MPEP § 106 states:

The assignee of record of the entire interest in an application may intervene in the prosecution of the application, appointing an attorney or agent of his or her own choice. See 37 CFR 3.71. Such intervention, however, does not exclude the applicant from access to the application to see that it is being prosecuted properly, unless the assignee makes specific request to that effect. Any request to prevent the inventor from obtaining access to the file should be filed as a separate paper, 37 CFR 1.4(c), and should be directed to the Office of Petitions. If the request is granted, the inventor will be informed that he or she will only be permitted to inspect the application on sufficient showing why such inspection is necessary to conserve his or her rights, *In re The Kellogg Switchboard & Supply Company,* 1906 C.D. 274 (Comm'r Pat. 1906). *Of course, after the application has published pursuant to 35 U.S.C. 122(b), the application will be available to the public and any restriction on the inventor to access his or her application previously granted will no longer be in effect.*

The application has been published as U.S. Publication No.: US 2008/0167390 A1, on July 10, 2007, therefore the request is deemed moot.

CONCLUSION

1. The petition is **DISMISSED as moot.**

2. Any further communication as to the merits of the case should be directed to the examiner of record.

3. Inquiries relating to this matter may be directed to Joseph F. Weiss, Jr. at (571) 272-7759.

HIRAM H. BERNSTEIN
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/834,482	07/31/2006	Ray Smith	321.001US1

CONFIRMATION NO.

Mark A. Litman & Associates, P.A.
York Business Center, Suite 205
3209 West 76th St.
Edina, MN 55435

Date Mailed: 06/07/2007

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **12/04/2006,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/374,309.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
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.
60/796,681	05/02/2006	Munroe Chirnomas	06PRO2US

CONFIRMATION NO.

25893
LAWRENCE C. EDELMAN, IP COUNSEL FASTCORP
60 E. HANOVER AVE, B-2
MORRIS PLAINS, NJ 07950

Date Mailed: 06/07/2007

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **05/02/2007,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/374,310.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L TIPPETT
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.
60/771,355	02/07/2006	James S. Hamada	HAMADA-G10-PR1

CONFIRMATION NO.

Curtis L. Harrington
Suite 250
6300 State University Drive
Long Beach, CA 90815

Date Mailed: 06/07/2007

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **12/06/2006,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/374,311.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

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

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Shirley E. Brosmore, Patent Agent
King & Spalding LLP
34th Floor
1180 Peachtree Street NE
Atlanta GA 30309-3521

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JUL 30 2007

OFFICE OF PETITIONS

In re Application of :
Lehn et al. :
Application No. 11/374312 : ON PETITION
Filing or 371(c) Date: 07/28/2006 :
Attorney Docket Number: 55561-0302 (332209):

This Decision is in response to a "Petition for Acceptance of Duplicate File and Request for Original Filing Date, and Change of Correspondence Address," filed April 16, 2007, requesting that the application be accorded a filing date of July 28, 2006. The petition is properly treated as a petition Under 37 CFR 1.53(e).

Applicant files the present petition and asserts that the above-identified application was filed in this Office on July 28, 2006. In support of this assertion, Applicant files a copy of an "Acknowledgment of Receipt of patent Application," acknowledging receipt by this office of a Utility Patent Application Transmittal; Petition Fee under 37 CFR 1.17(f), (g) & (h) Transmittal; Petition for Expedited Grant of Foreign Filing License; 50 Pages Specification, Claims and Abstract; 2 Sheets Drawings, and Form PTO-2038 authorizing charge of $200 for Petition for Expedited Grant of Foreign Filing License, on July 28, 2006.

Review of Office records

A review of office records reveals that the application papers have been received and accorded a filing date of July 28, 2006. A filing receipt was mailed on June 13, 2007, which included the above-identified application number and filing date of the application, and which was mailed to the correspondence address as stated in the "Change of Correspondence Address" section of the petition[1].

Analysis and conclusion

In view of the foregoing, the petition is **granted**.

[1] Petitioner is reminded that separate matters are required to be filed on separate papers. See, 37 CFR 1.4(c).

The application file is being referred to the Office of Initial Patent Examination ("OIPE") to await Applicant's response to the Notice to File Missing Parts of Nonprovisional Application, mailed June 13, 2007, and for continued processing in due course.

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

Derek L. Woods
Attorney
Office of Petitions

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
60/811,695	06/07/2006	Charles Truax	27033.002

CONFIRMATION NO.

John J. Torrente
Cowan, Liebowitz & Latman, P.C.
1133 Avenue of the Americas
New York, NY 10036

Date Mailed: 07/06/2007

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **06/05/2007,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/374,313.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L. TIPPETT
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.
60/811,695	06/07/2006	Charles Truax	27033.002

CONFIRMATION NO.

John J. Torrente
Cowan, Liebowitz & Latman, P.C.
1133 Avenue of the Americas
New York, NY 10036

Date Mailed: 07/06/2007

DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **06/05/2007,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is **11/374,313.** The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

JANICE L. TIPPETT
Office of Initial Patent Examination
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PALMER & DODGE, LLP
KATHLEEN M. WILLIAMS
111 HUNTINGTON AVENUE
BOSTON MA 02199

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OCT 25 2007

OFFICE OF PETITIONS

In re Application of :
Wittamer, et al. :
Application No. 11/374,318 : ON PETITION
Filed: March 13, 2006 :
Attorney Docket No. 209409/2043B :
For: COMPOSITIONS COMPRISING A LIGAND OF CHEMERINR

This is a decision on the petition under 37 CFR 1.181, filed August 31, 2007, to withdraw the holding of abandonment.

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

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. 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 timely respond to Notice to File Corrected Application Papers, mailed March 30, 2006, which set an extendable two month period for reply. Applicants filed replacement drawings and authorization to charge a three month extension of time fee to deposit account no. 16-0085 on August 23, 2006. Unfortunately, the deposit account had insufficient funds to charge the $510.00 extension of time fee and no alternative form of payment was specified. The application became abandoned on May 31, 2006 for failure to timely reply.

Petitioners request withdrawal of the holding of abandonment. However, as stated above, there were insufficient funds in the deposit account to cover the required charges on the date that the Office attempted to collect the fees due.

The application **did** become abandoned two months after March 30, 2006, on May 31, 2006.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **dismissed**.

Petitioners assert that a different deposit account should have been listed on the August 23, 2006 extension of time correspondence. Petitioners may wish to consider filing a petition to revive under the unavoidable standard of 37 CFR 1.137(a), if a well-trained, experienced clerical employee committed the unexpected error that resulted in an incorrect deposit account being listed on the extension of time correspondence. Statements from individuals with first hand knowledge of pertinent events must be provided with any petition under 37 CFR 1.137(a). A petition under 37 CFR 1.137(b) is an alternative, as well.

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.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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PALMER & DODGE, LLP
KATHLEEN M. WILLIAMS
111 HUNTINGTON AVENUE
BOSTON MA 02199

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JAN 29 2008

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ON PETITION

In re Application of
Wittamer, et al.
Application No. 11/374,318
Filed: March 13, 2006
Attorney Docket No. 209409/2043B
For: COMPOSITIONS COMPRISING A LIGAND OF CHEMERINR

This is a decision on the petition under 37 CFR 1.137(b), filed November 14, 2007, to revive the above-identified application.

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

This application was held abandoned for failure to timely respond to Notice to File Corrected Application Papers, mailed March 30, 2006, which set an extendable two month period for reply. Applicants filed replacement drawings, an amendment to the specification and authorization to charge a three month extension of time fee to deposit account no. 16-0085 on August 23, 2006. Unfortunately, the deposit account had insufficient funds to charge the $510.00 extension of time fee and no alternative form of payment was specified. The application became abandoned on May 31, 2006 for failure to timely reply. A Notice of Abandonment was mailed on August 27, 2007.

Applicants have submitted a proper reply to the March 30, 2006 Notice in the form of replacement drawings and an amendment to the specification, a proper statement of the unintentional nature of the delay in responding to the March 30, 2006 Notice, and the petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

Regarding fees, the small entity petition fee, rather than the large entity petition fee, which was specified in the petition, was charged to petitioner's deposit account. 37 CFR 1.27(g)(1) states in pertinent part, " Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due." In addition, it is noted that applicants have not filed a formal statement regarding change of status. Payment of a fee in

other than the small entity amount is not sufficient notification that small entity status is no longer appropriate. 37 CFR 1.27(g)(2)

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 Patent Application Processing for further pre-examination processing.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: MATTHEW BEAUDET
EDWARDS, ANGELL, PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 00205

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/374,323	03/14/2006	Yoichiro Yamagata	287803US2S	8736

7590 09/09/2008

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

EXAMINER	
TRAN, THAI Q	

ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
09/09/2008	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.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 09/05/2008 BPOWELL
03/16/2006 WASFAW1 00000026 11374323
02 FC:1111 -500.00 OP

Adjustment date: 09/05/2008 BPOWELL
03/16/2006 WASFAW1 00000026 11374323
02 FC:1111 -500.00 OP

Notice of Abandonment	Application No.	Applicant(s)	
	11/374,323	YAMAGATA ET AL.	
	Examiner	Art Unit	
	Thai Tran	2621	

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

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
   (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
   (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
   (d) ☐ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
   (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.
   The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.
   (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
   (b) ☐ No corrected drawings have been received.

4. ☒ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

/BETTY POWELL/
Office of Data Management

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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Carmen Patti Law Group, LLC
One N. LaSalle Street
44th Floor
Chicago, IL 60602

Mail Date: 04/30/2010

Applicant	: Ranjan Sharma	: DECISION ON REQUEST FOR
Patent Number	: 7609678	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/374,365	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **629** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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AUG 2 4 2006

OFFICE OF PETITIONS

FRANK F. TIAN
331-4A THIRD AVENUE
LONG BEACH NJ 07740

In re: Application of	:	Decision on Petition
Hanzhong Yang	:	
Application No.: 11/374,376	:	
Filed: March 13, 2006	:	
Attorney Docket No. SZ-1	:	

This is a decision on the petition under 37 CFR 1.182, filed on July 18, 2006, to change the name of the sole inventor for the above-identified application.

The petition is **Dismissed**.

Submission of the petition fee is a prerequisite of treatment of the petition. Petitioner has submitted $130.00. The petition fee for a petition filed under 37 CFR 1.182 is $400.00.

The petition has not been reviewed on its merits.

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

Charlema R. Grant
Petitions Attorney
Office of Petitions

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

Mail Date: 06/01/2010

Applicant	: David Brahm	: DECISION ON REQUEST FOR
Patent Number	: 7636428	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/374,390	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **824** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH, PA 15219

Mail Date: 07/15/2010

Applicant	: Milton B. Shields	: DECISION ON REQUEST FOR
Patent Number	: 7662123	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/374,398	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **107** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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WILLIAM S. PATTERSON
3160 SOUTHGATE COMMERCE BLVD.
SUITE 34
ORLANDO FL 32806

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MAR 2 4 2009

OFFICE OF PETITIONS

In re Application of
William S. Patterson et al.
Application No. 11/374,400
Filed: March 13, 2006
Attorney Docket No. **0011DIV**

ON PETITION

This is a decision on the petition filed February 24, 2009 under 37 CFR 1.137(b),[1] to revive the above-identified application.

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

The receipt of the Issue Fee Transmittal, the Issue Fee payment and Publication fee on December 17, 2008, after the three month period for reply set by the Notice of Allowance mailed September 15, 2008, caused the instant application to become abandoned. While the above items were received in the office on December 15, 2008, the Issue Fee Transmittal did not include a signed certificate of mail. Accordingly, a Notice of Abandonment was mailed January 9, 2009.

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

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

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

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

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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Paper No.

Kraguljac & Kalnay, LLC - Oracle
4700 Rockside Road
Summit One, Suite 510
Independence OH 44131

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APR 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Marco Carrer, Goplan Arun,	:	DECISION ON PETITION
Xiaohua Lu, and David Mor	:	PURSUANT TO
Application No. 11/374,402	:	37 C.F.R. § 1.183
Filed: March 13, 2006	:	
Attorney Docket No. 2005-338-01	:	
(065)	:	
Title: EMAIL AND DISCUSSION	:	
FORUM SYSTEM	:	

This is in response to the petition filed pursuant to 37 C.F.R. § 1.47(a) on December 22, 2009. This petition is being treated as a petition pursuant to 37 C.F.R. § 1.183,[1] since in order for the concurrently filed Rule 1.131 declaration to be entered, the requirement present in 37 C.F.R. § 1.131 that each of the inventors sign the declaration of prior inventorship will need to be waived.[2]

This petition pursuant to 37 C.F.R. § 1.183 is **DISMISSED**.

BACKGROUND

The above-identified application was filed on March 13, 2006, with a 37 C.F.R. § 1.63 declaration signed by each joint inventor. On August 24, 2009, a non-final Office action was

1 $200 towards the petition fee has been received. The remainder of the $400 petition fee will be charged to Deposit Account number 15-0635 in due course, as authorized in the "Payment Authorization" filed of the Electronic Acknowledgement Receipt that was submitted concurrently with this petition.
2 A petition pursuant to 37 C.F.R. § 1.47 is only applicable to an original oath or declaration pursuant to 37 C.F.R. § 1.63.

mailed. As part of the response to this Office communication, Applicants filed a "37 CFR § 1.131 DECLARATION OF PRIOR INVENTION," so as to attempt to overcome certain rejections contained therein.

Messrs. Carrer, Arun, and Mor have executed this Rule 1.131 declaration, but Mr. Lu has not.

Petitioner has filed this petition, seeking the acceptance of the Rule 1.131 declaration without the signature of inventor Lu. Petitioner has indicated that the signature of inventor Lu cannot be obtained as he cannot be located.[3]

RELEVANT REGULATIONS AND PORTION OF THE MPEP

37 C.F.R. § 1.183 sets forth, *in toto*:

> In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(f).

37 C.F.R. § 1.131(a) sets forth, *in pertinent part*:

> When any claim of an application or a patent under reexamination is rejected, the inventor of the subject matter of the rejected claim, the owner of the patent under reexamination, or the party qualified under §§ 1.42, 1.43, or 1.47, may submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference or activity on which the rejection is based.

In addition, MPEP § 715.04(I)(B) sets forth, *in toto*:

> An affidavit or declaration by less than all named inventors of an application is accepted where it is shown that less than all named inventors of an application invented the subject matter of the claim or claims under rejection. For example, one of two joint inventors is accepted where it is shown that one of the joint inventors is the sole inventor of the claim or claims under rejection.

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3 See petition, page 2.

ANALYSIS

Here, there has not been a party qualified under 37 C.F.R. §§ 1.42, 1.43, or 1.47. In addition, Petitioner does not contend that less than all of the named inventors of the application invented the subject matter of the claims under rejection. Accordingly, the proper parties to sign the revised Rule 1.131 declaration include all of the joint inventors.

This petition cannot be granted, as **Petitioner has not asserted, much less established, the existence of an extraordinary situation such that justice requires the waiver of the requirement that the Rule 1.131 declaration be executed by each joint inventor.**

On renewed petition, Petitioner will need to assert the existence of an extraordinary situation, such that justice requires the waiver of the requirement that each inventor must execute the Rule 1.131 declaration.

Petitioner will note that Rule 1.47 is not applicable to the current set of facts, however it does involve a parallel set of circumstances - the unavailability of an inventor.

Petitioner has asserted that Mr. Lu "cannot be located."[4] 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 found or reached, petitioner is required to establish that a diligent effort was made to locate the non-signing inventor.* However **the petition is silent as to any search that might have been performed for Mr. Lu:** the sending of an e-mail and a letter is not a search. There is no indication that the Rule 47 applicant attempted to verify the address of the non-signing inventor or to determine his forwarding address, and to send the complete application papers to that address for consideration by the inventor.[5] Petitioner must provide a showing detailing the attempts that were made to obtain a forwarding address or to locate the non-signing inventor by means such as through E-mail, telephone, and the Internet. If this search is sufficiently broad so as to provide a reasonable opportunity to locate this individual, and it is then averred that such attempts failed, then Petitioner will have provided the necessary proof required under 37 C.F.R. § 1.47 that the

4 Petition, page 1.
5 See MPEP § 409.03(d).

non-signing inventor cannot be reached. Details of the efforts to locate the non-signing inventor are to be set forth in an affidavit or declaration of facts by a person having first hand knowledge of the details.

Prior to filing a renewed petition, Petitioner must attempt to locate the non-signing inventor.

If Petitioner is able to secure the signature of this individual on the Rule 1.131 declaration, the submission of the same would be considered fully responsive to this decision.

If Petitioner is not able to secure the signature of this individual on the Rule 1.131 declaration, Petitioner must then indicate the steps taken to obtain this individual's signature on the Rule 1.131 declaration.

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. § 1.183." This is not a final agency action within the meaning of 5 U.S.C § 704.

Any subsequent filing pertaining to this matter should indicate that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[6] hand-delivery,[7] or facsimile.[8] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[9]

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.

The general phone number for the Office of Petitions that should be used for status requests is (571) 272-3282. Telephone

---

6 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
8 (571) 273-8300 - please note this is a central facsimile number.
9 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[10] 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

---

10 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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Paper No.

Kraguljac & Kalnay, LLC - Oracle
4700 Rockside Road
Summit One, Suite 510
Independence OH 44131

MAILED
JUN 15 2010
OFFICE OF PETITIONS

In re Application of	:	
Marco Carrer, Goplan Arun,	:	DECISION ON RENEWED
Xiaohua Lu, and David Mor	:	PETITION PURSUANT TO
Application No. 11/374,402	:	37 C.F.R. § 1.183
Filed: March 13, 2006	:	
Attorney Docket No. 2005-338-01	:	
(O65)	:	
Title: EMAIL AND DISCUSSION	:	
FORUM SYSTEM	:	

This is in response to the renewed petition filed pursuant to 37 C.F.R. § 183 on May 19, 2010.

The above-identified application was filed on March 13, 2006, with a 37 C.F.R. § 1.63 declaration signed by each joint inventor. On August 24, 2009, a non-final Office action was mailed. As part of the response to this Office communication, Applicants filed a "37 CFR § 1.131 DECLARATION OF PRIOR INVENTION," so as to attempt to overcome certain rejections contained therein.

An original petition was filed on December 22, 2009, which sought the acceptance of a Rule 1.131 declaration without the signature of one of the four joint inventors. Petitioner included, *inter alia*, a Rule 1.131 declaration that was executed by Messrs. Carrer, Arun, and Mor, and a portion of the petition fee.[1] The original petition was treated as a petition pursuant

1 The remainder of the required petition fee was charged to Deposit Account No. 15-0635 on April 12, 2010.

to 37 C.F.R. § 1.183, and was dismissed via the mailing of a decision on April 12, 2010.

With this renewed petition, Petitioner has included, *inter alia*, a Rule 1.131 declaration that has been executed by formerly non-signing joint inventor Lu.

It follows that each of the four joint inventors has executed the Rule 1.131 declaration. Accordingly, this renewed petition pursuant to 37 C.F.R. § 1.183 is **DISMISSED AS MOOT**.

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 present application can receive further processing in due course.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[2] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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KILPATRICK STOCKTON LLP
1100 PEACHTREE STREET, SUITE 2800
ATLANTA, GA 30309-4530

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OFFICE OF PETITIONS

In re Application of :
Mark Kahn Taylor :
Application No. 11/374,404 : DECISION ON PETITION
Filed: March 13, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. T1100/326336 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 29, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from Inventor Mark Kahn Taylor 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 3723 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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OFFICE OF PETITIONS

In re Application of
Yoshida, et al.
Application No.: 11/374,415
Filed: March 14, 2006
Attorney Docket No.: 4799-6

ON PETITION

This is a decision on the petition under 37 CFR 1.47(a), filed October 31, 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 March 14, 2006. On April 10, 2006, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, requiring applicants to submit various fees, an executed declaration, and a surcharge for its late filing. On October 31, 2006, petitioners submitted a request for a five month extension of time and required fee, a declaration signed by three of six joint inventors, various fees, a petition under 37 CFR 1.47(a), and the petition fee. A statement of facts by Shigeo Terashima, Group General Manager, IP Group of Sharp Kabushiki Kaisha, a party in interest, accompanies the petition. Mr. Terashima states that a copy of the application, an assignment, and a declaration were successfully mailed to non-signing inventors Ueda and Kamada, but the inventors did not return executed documents. Mr. Terashima states that a mailing to Mr. Tsuda's last known address was returned and Mr. Tsuda's whereabouts are unknown.

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 items (1) and (2) above.

As to item (1), applicants have failed to establish that Mr. Tsuda cannot be reached.

A showing of **diligence** is critical in obtaining Rule 47 status when an inventor cannot be located or reached. One returned mailing does not rise to the level of diligence required to obtain Rule 47 status.

Petitioners should engage in further efforts to locate Mr. Tsuda. The following is a list of evidentiary sources that are commonly relied upon to prove inability to locate an inventor: searches of Internet databases; inquiries of local telephone directories; telegrams; and documented inquiries of last known employers. Every listed type of search need not be done. However, a diligent effort to find the inventor must be made. Please provide documentary evidence of the searches, if possible, from parties with first hand knowledge of the searches.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The declaration contains a noninitialed, nondated alteration to Inventor Tasaka's information. 37 CFR 1.52(c) states that "[a]ny interlineation, erasure, cancellation or other alteration of the application papers filed should be made on or before the signing of the accompanying oath or declaration pursuant to 1.63...." This includes the oath or declaration. The Office will not consider whether noninitialed and or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration.

Fortunately, the deficiencies or inaccuracies relate to a signing inventor. Thus, pursuant to 37 CFR 1.67(a)(2), Mr. Tasaka can correct his information on a supplemental declaration identifying the entire inventive entity but signed only by him.

Further correspondence with respect to this matter should be addressed as follows:

By mail:
Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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SEP 13 2007

OFFICE OF PETITIONS

In re Application of
Yoshida, et al.
Application No.: 11/374,415
Filed: March 14, 2006
Attorney Docket No.: 4799-6

: ON PETITION

This is a decision on the reconsideration petition under 37 CFR 1.47(a), filed July 16, 2007.

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.**

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.

Applicants have failed to establish that Mr. Tsuda has refused to join in the filing of this application. The record shows that the application papers were sent by certified mail to his last known address on two occasions. They were ultimately returned to sender. Certified mail in Japan obligates the recipient to take some sort of action in order to receive the mailing, if the recipient was not at home when the first attempt at delivery was made. The Office does not require non-signing inventors to put effort into receiving application papers.

Applicants are requested to send the application papers and a declaration and assignment, if desired, to Mr. Tsuda at his last known address. If Mr. Tsuda does not return executed documents within a reasonable period of time, it would indicate a constructive refusal to cooperate in the filing of this application. Applicants could specify period for reply in any cover letter mailed with the application papers.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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ARLINGTON VA 22203

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JUN 20 2008

OFFICE OF PETITIONS

In re Application of
Yoshida, et al.
Application No.: 11/374,415
Filed: March 14, 2006
Attorney Docket No.: 4799-6

: DECISION NOTING JOINDER OF
: PREVIOUSLY NON-SIGNING
: INVENTOR & DISMISSING
: PETITION UNDER 37 CFR 1.47(a)
AS MOOT

Papers filed on March 13, 2008 in reply to a decision refusing status under 37 CFR 1.47(a), mailed on September 13, 2007, included a Declaration signed by the previously non-signing inventor, Hideaki Tsuda, in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is moot; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

After the mailing of this decision, the application will be forwarded to Technology Center G.A.U. 2871 for examination in due course.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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FEB 27 2009

OFFICE OF PETITIONS

In re Application of
Yoshida, et al.
Application No.: 11/374,415
Filed: March 14, 2006
Attorney Docket No.: 4799-6

: CORRECTED DECISION
: ON PETITION

This is a corrected decision mailed in response to the reconsideration petition under 37 CFR 1.47(a), filed March 13, 2008. The decision mailed June 20, 2008 is hereby **vacated**.

The petition is **GRANTED.**

Petitioners have shown that the non-signing inventors, Kazuya Ueda and Tsuyoshi Kamada, have constructively refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the October 31, 2006 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 referred to the Office of Data Management to await receipt of the issue fee, publication fee, and a completed Part B -Fee(s) Transmital.

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

KAZUYA UEDA
272 TERAGAWAUCHI
MURAOKA-KU, KAMI-MACHI
MIKATA-GUN, HYOGO 667-1322
JAPAN

MAILED

FEB 27 2009

OFFICE OF PETITIONS

In re Application of
Yoshida, et al.
Application No.: 11/374,415
Filed: March 14, 2006
Attorney Docket No.: 4799-6

LETTER

Dear Mr. Ueda:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEYS OF RECORD: NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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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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TSUYOSHI KAMADA
1352-2-501 SUENAGA TAKATSU-KU
KAWASAKI-SHI
KANAGAWA 213-0013
JAPAN

MAILED

FEB 27 2009

OFFICE OF PETITIONS

In re Application of
Yoshida, et al.
Application No.: 11/374,415
Filed: March 14, 2006
Attorney Docket No.: 4799-6

: LETTER

Dear Mr. Kamada:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEYS OF RECORD: NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

CHAPMAN AND CUTLER
111 WEST MONROE STREET
CHICAGO, IL 60603

Mail Date: 04/21/2010

Applicant	: Hidekazu Suzuki	: DECISION ON REQUEST FOR
Patent Number	: 7612115	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/374,450	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **208** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, NY 10023

Mail Date: 06/11/2010

Applicant	: Menachem Nathan	: DECISION ON REQUEST FOR
Patent Number	: 7618748	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/374,469	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **909** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

SEP 21 2006

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

In re Application of	:
Lorraine B. Peddada et al	:
Serial No.: 11/374,484	: PETITION TO MAKE SPECIAL
Filed: March 9, 2006	:
Attorney Docket No.: 57267/B834	:

This is in response to the petition filed March 9, 2006, to make the above-identified application special under the provisions of 37 CFR 1.102(d) based on infringement.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, II, relating to actual or potential infringement.

Therefor 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 William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission to the Office general facsimile number 571-273-8300.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

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.
11/374,484	03/09/2006	Lorraine B. Peddada	B1:00424	2653

7590 05/05/2010

Baxter International Inc.
One Baxter Parkway
Deerfield, IL 60015

EXAMINER	
SKIBINSKY, ANNA	

ART UNIT	PAPER NUMBER
1631	

MAIL DATE	DELIVERY MODE
05/05/2010	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.

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

MAY 0 5 2010

Baxter International Inc.
One Baxter Parkway
Deerfield IL 60015

In re Application of:
Peddada et al.
Serial No.: 11/374,484
Filed: March 9, 2006
Attorney Docket No.: **B1:00424**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed April 5, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the document submitted with the Supplemental Information Disclosure Statement filed on April 5, 2010 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 24 2010

OFFICE OF PETITIONS

GIBSON & DERNIER LLP
900 ROUTE 9 NORTH
SUITE 504
WOODBRIDGE NJ 07095

In re Application of :
Hongya GE et al. :
Application No. 11/374,485 : RESPONSE TO PETITION
Filed: March 13, 2006 :
Attorney Docket No. 436/28 :

This is a response to the petition under 37 CFR 1.182, filed September 2, 2009, which is properly treated as a petition under 37 CFR 1.59(b) to expunge information from the above identified application.

The petition is dismissed.

Petitioner requests that June 4, 2009 Office action response filed by Jeffrey W. Gluck be expunged and the final Office action of August 31, 2009 be withdrawn.

However, the petition is premature since prosecution of the application has not been closed by way of the allowance of the application, the mailing of an Ex parte Quayle action, or the abandonment of the application. See MPEP 724.06. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be dismissed at this time.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material and the conditions related to the expungement of unintentionally submitted information, discussed as A-F in MPEP 724.05 II, are satisfied, the information will be removed from the official file.

After the mailing of a Notice of Allowance, an Ex parte Quayle action or a Notice of Abandonment, the petition to expunge may be renewed by applicant(s) or applicant(s)' representative. No further fee is required for such a second submission of a petition under 37 CFR 1.59 to expunge information. **In addition, the requester is cautioned to renew the petition under 37 CFR 1.59 for reconsideration by the Office prior to the point at which the**

present file, or file claiming priority to the present file, is forwarded for issuance of the patent. This is to be done no later than immediately after the examiner has issued a Notice of Allowance, an Ex parte Quayle action or a Notice of Abandonment. A failure to timely renew the petition to expunge prior to the point at which the file is forwarded for issuance will result in the material being retained in the patented file and thus becoming open to the public.

Petitioner may wish to consider filing a petition under 37 CFR 1.181 requesting supervisory review of the final Office action mailed August 31, 2009. Such a petition, which would determine the appropriateness of the Examiner's Office action, would be treated by the Technology Center Director.

Petitioner submitted a $400 petition fee with the instant petition. As the petition is properly treated under 37 CFR 1.59(b) the required petition fee under 37 CFR 1.17(g) is $200. Accordingly, $200 will be refunded to petitioner's Deposit Account No. 11-0223.

Telephone inquiries concerning this communication should be directed to the undersigned at 571-272-7099.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WILSON ENTERPRISES
2333 BRIGHTON FARMS BLVD.
KNOXVILLE, TN 37932

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MAY 10 2006

OFFICE OF PETITIONS

In re Application of
Ruth Helene McClellan-Derrickson
Application No. 11/374,503
Filed: March 13, 2006
Attorney Docket No. RD102.0

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 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 petition includes a copy of a birth certificate. 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 3636 for action on the merits commensurate with this decision.

Wan Laymon
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HITT GAINES P.C.
P.O. BOX 832570
RICHARDSON TX 75083

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MAY 18 2007

OFFICE OF PETITIONS

In re Application of
HARTMANN, Clinton S. et al.
Application No. 11/374,553
Filed: March 13, 2006
Attorney Docket No. **RFSC-0009C1**

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 29, 2007.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272- 4231.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **CHARLES E. PARRISH**
R. F. SAW INCORPORATED
800 ALPHA DRIVE
SUITE 400
RICHARDSON, TEXAS 75081

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Alexandria, Virginia 22313-1450
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DeMont & Breyer, LLC
100 Commons Way, Ste. 250
Holmdel, NJ 07733

Mail Date: 05/05/2010

Applicant	: Thorsten Behr	: DECISION ON REQUEST FOR
Patent Number	: 7659969	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/374,554	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

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 PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

Nina Zhou
3 East 101 Street
Apartment 4J
New York NY 10029

COPY MAILED

MAR 25 2008

OFFICE OF PETITIONS

In re Application of :
Zhou et al. :
Application No. 11/374,557 :
Filed: March 14, 2006 :
Title: METHOD AND KITS FOR :
THE DETERMINATION OF THE :
ANTIGENS ON THE RED BLOOD :
CELLS AND ANTIBODIES OF SERUM :

DECISION ON PETITION

This is in response to the communication filed October 22, 2007 by applicants. Therein applicants state that they do not want to have abandonment of our application. This communication is being treated as a petition to withdraw holding of abandonment pursuant to 37 CFR 1.181 (a no-fee petition).

For the reasons stated herein, 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. See 1.181(f).

Alternatively, as discussed below, petitioner is not precluded from seeking revival of the application pursuant to the provisions of 37 CFR 1.137. However, the filing of such a petition should not be intentionally delayed. An intentional delay in filing of the petition will lead to the dismissal of the petition regardless of the original circumstances that led to the abandonment of the application.

The above-identified application became abandoned for failure to timely or properly reply to the Notice to File Missing Parts of

Application mailed April 7, 2006. This Notice set a two-month time limit for replies, with extensions of time obtainable under 37 CFR 1.136(a). A reply was timely received on May 15, 2006. However, by Notice mailed June 1, 2006, applicants were advised that the reply was not complete. It did not include $1300 for 13 independent claims over 3. The Notice further stated that the period for reply continued to run as set in the Notice mailed April 7, 2006. On June 14, 2006 and on July 5, 2006, applicants filed further replies. It further appears that applicants filed an amendment to the claims on December 6, 2006.

However, the two-month period for reply to the Notice mailed April 7, 2006 ended on June 7, 2006. Thereafter, for the Office to consider any further replies to the Notice, applicants had to file a petition for extension of time for response and the extension of time fees. Applicants submitted additional replies, but did not submit any extensions of time and extension of time fees. Accordingly, the responses filed after June 7, 2006 were not timely and were not considered.

Thus, the application properly became abandoned on June 8, 2006 for failure to file a timely and proper reply to the Notice to File Missing Parts of Application mailed April 7, 2006. A courtesy Notice of Abandonment was mailed on September 26, 2007.

In response, applicant timely filed the instant petition. There is no dispute that a timely and proper response was not filed prior to June 7, 2006. There is no dispute that an extension of time for response was not filed.

The law, 35 USC 133, provides that

> 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)).)

Pursuant to 35 USC 133, the Office must regard the application as abandoned upon failure of the applicants to timely prosecute the application. On petition, applicants have not disputed that a timely and proper response was not filed.

On these facts, applicants' options are to have the holding of abandonment withdrawn or to revive the application. In order to withdraw the holding of abandonment or revive this application, as stated on the Notice of Abandonment, applicants must either:

1. Establish by a properly itemized date-stamped postcard receipt or by way of s showing pursuant to 37 CFR 1.8 or 1.10 that a response was timely filed.

Or

2. Filing a petition under 37 CFR 1.137(a) or 37 CFR 1.137(b) to revive the application. The forms PTO/SB and PTO/SB are available at www.uspto.gov. For assistance in completing these forms, applicant may call the Office of Petitions Helpdesk, 8:30am to 5:00 pm (EST) at 1-800-PTO-9199 (or 571-272-3282).

Further correspondence with respect to this decision should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By fax: (571) 273-8300
ATTN: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

Mail Date: 04/21/2010

Applicant	: Xinbing Liu	: DECISION ON REQUEST FOR
Patent Number	: 7614831	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/374,582	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **69** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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	: Eliav Zipper	: DECISION ON REQUEST FOR
Patent Number	: 7590205	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/374,584	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **782** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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DOROTHY S. MORSE
515 PARK DRIVE, NW
BRADENTON FL 34209

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APR 17 2006

OFFICE OF PETITIONS

In re Application of	:	
Tafoya et al.	:	
Application No. 11/374,589	:	ON PETITION
Filed: March 14, 2006	:	
Attorney Docket No. 0306-TAF02	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 14, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a copy of the applicant's birth certificate. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3617 for action on the merits commensurate with this decision.

Liana Chase
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN, TX 78701

Mail Date: 04/21/2010

Applicant	: Rama Ranganathan	: DECISION ON REQUEST FOR
Patent Number	: 7587282	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/374,591	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **640** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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R. N. O'Brien
2614 Queenswood Dr.
Victoria BC V8N 1X5
CANADA

MAILED

JUN 15 2010

OFFICE OF PETITIONS

In re Application of :
O'Brien :
Application No. 11/374,600 :
Filed: 03/14/2006 :
Title: LITHIUM SECONDARY BATTERY FEATURING ELECTROLYTE SOLUTION CIRCULATION :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 18, 2010, 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 non-final Office action mailed April 8, 2009, which set a three-month shortened statutory period to reply. Petitioner submitted a response to the non-final Office action on September 28, 2009, within the six month statutory period. However, petitioner did not include a timely request for an extension of time for response and fee. Accordingly, the above-identified application became abandoned on July 9, 2009. A Notice of Abandonment was mailed on February 1, 2010.

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.

The Office notes that the grant of a petition under 37 CFR 1.137 is not a determination that any reply under 37 CFR 1.111 is complete. After revival of the application, the patent examiner may, upon more detailed review, determine that the reply is lacking in some respect. See MPEP 711.03(c)(II)(A)(2)(a).

This application is being referred to Technology Center AU 1795 for appropriate action.

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial # 11-374606
Applicant: Craig A. Tafoya, Mary E. Tafoya, and Samuel Barran Tafoya
Date Filed: March 10, 2006
Title: Mechanic's Step With Stirrup
Au. 1722
3-14-06

March 10, 2006

PETITION TO MAKE SPECIAL PURSUANT TO 37 CFR 1.102(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

Due to the fact that one of the applicants herein, Samuel Barran Tafoya, is over 65 years old, he petitions the Commissioner to accord 'special' status to the instant patent application entitled "Mechanic's Step With Stirrup", so that it can be advanced out of turn for expedited examination. No fee accompanies this Petition, however, a copy of his Birth Certificate is attached hereto as evidence of age being greater than 65 years.

For the above-stated reasons, the applicants herein respectfully request that the Commissioner give the instant patent application 'special' status, so that it may receive expedited examination.

Respectfully submitted on behalf Craig A. Tafoya, Mary E. Tafoya, and Samuel B. Tafoya, by:

Dorothy S. Morse

Dorothy S. Morse
515 Park Drive, N.W.
Bradenton, FL 34209-1847
(941) 747-4313 (phone) / (941) 748-4008 (fax)
U.S. Patent and Trademark Office Registration Number: 38,977

PETITION GRANTED

William Krynski,
Special Program Examiner
Technology Center 1700
APR 2 4 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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CHIH-TA STAR SUNG
RM. 308, BLD. 52, NO. 195, SEC. 4
CHUNG HSIN RD.
JUNDONG 310 TW TAIWAN

MAILED

JUN 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Chih-Ta Star SUNG	:	
Application No. 11/374,608	:	DECISION ON PETITION
Filed: March 14, 2006	:	UNDER 37 CFR 1.137(b)
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 5, 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 Restriction Requirement, mailed April 6, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 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(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 (**1**) and (**3**) above.

As to item 1, petitioner failed to elect either Species I or Species II as indicated on page 2 of the Office action mailed April 6, 2009. As to item 3, petitioner failed to provide a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
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

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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JENKINS, WILSON, TAYLOR & HUNT, P. A.
Suite 1200 UNIVERSITY TOWER
3100 TOWER BLVD.,
DURHAM, NC 27707

Mail Date: 04/21/2010

Applicant	: Robert Z. Orlowski	: DECISION ON REQUEST FOR
Patent Number	: 7589066	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/374,652	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **141** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Sony Corporation of America
16530 VIA ESPRILLO, MZ 7190
SAN DIEGO, CA 92127

Mail Date: 04/21/2010

Applicant	: Robert Allan Unger	: DECISION ON REQUEST FOR
Patent Number	: 7672458	: RECALCULATION of PATENT
Issue Date	: 03/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/374,660	: OF WYETH
Filed	: 03/13/2006	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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HUFFMAN LAW GROUP, P.C.
1900 MESA AVE.
COLORADO SPRINGS CO., 80906

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JAN 30 2008

OFFICE OF PETITIONS

In re Application of	:	
Darius D. Gaskins	:	
Application No. 11/374,663	:	DECISION GRANTING PETITION
Filed: March 13, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. CNTR.2271	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 24, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 26, 2007 ***cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.***[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2111 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY, UT 84102

Mail Date: 04/21/2010

Applicant	: Scott M. Packer	: DECISION ON REQUEST FOR
Patent Number	: 7608296	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/374,667	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **714** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APR 18 2006

PETER A. BORSARI
3 SOUTH FIELDWAY
REHOBOTH BEACH DE 19971

In re Application of	:
Maurine Pearson et al	:
Serial No.: 11/374,681	: PETITION TO MAKE SPECIAL
Filed: March 14, 2006	:
Attorney Docket No.: 28.2915	:

This is in response to the petition filed March 14, 2006, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, IV. Therefor 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 William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission to the general Office facsimile number, 571-273-8300.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

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OFFICE OF PETITIONS

In re Application of :
Mabus et al. :
Application No. 11/374,683 : ON PETITION
Filed: 14 March, 2006 :
Atty Docket No. PRD-2455-USNP1 :

This is a decision on the petition, filed on 27 June, 2006, which is treated as a petition requesting that the above-identified application, without drawings, be accorded a filing date of 14 March, 2006.

The petition is **GRANTED**.

The application was filed on 14 March, 2006, without drawings.[1] Accordingly, on 28 April, 2006, Initial Patent Examination Division mailed a "Notice of Incomplete Nonprovisional Application" stating, *inter alia*, that no filing date had been assigned because the application was deposited without drawings, and requiring drawings be filed if necessary.

In response, on 27 June, 2006, the present petition was filed. Petitioners admit that the drawings were not present among the application papers filed on 14 March, 2006, but argue that the drawings are incorporated by reference from a prior-filed application.

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).[2] A review of the record reveals that Claims 1-15 and 18-33 are method claims. Therefore, the present application is deemed to be an application which does not require a drawing for an understanding of the invention.

---

[1] 35 U.S.C. § 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented."

[2] MPEP 601.01(f).

Accordingly, the application, as filed, is entitled to a filing date.

The petition is granted. 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.

The "Notice of Incomplete Nonprovisional Application" mailed on 28 April, 2006, was sent in error and is hereby vacated to the extent that it stated that the application was not entitled to a filing date because the application had been deposited without drawings.

The application will be processed and examined using the application papers filed on 14 March, 2006.

Receipt of the preliminary amendment, including the drawings, is acknowledged. The preliminary amendment will be reviewed for new matter by the examiner.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of 14 March, 2006, using only the application papers present on filing, and for issuance of a corrected Filing Receipt.

Telephone inquiries specific to this matter should be directed to the undersigned at 571.272.3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Anthony England
Law Office of Anthony England
P.O. Box 5307
Austin, TX 78763

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AUG 2 4 2007

OFFICE OF PETITIONS

In re Application of

Warner Olan Harris
Application No. 11/374,709
Filed: March 14, 2006
Attorney Docket No. HA-2006-01

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 1, 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 applicant's birth certificate. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3744 for action on the merits commensurate with this decision.

Frances Hicks
Petitions Examiner
Office of Petitions

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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND OR 97205

2/4/09

In re Application of:
Surnilla. Gopichandra et al
Serial No.: 11/374,712
Filed: Mar. 13, 2006
Docket: 81138251
Title: ENGINE SYSTEM AND METHOD FOR EFFICIENT EMISSION CONTROL DEVICE PURGING

DECISION ON PETITION TO WITHDRAW OF HOLDING OF FINALITY

This is a decision on the petition filed on Dec. 10, 2007 to withdraw the finality of the Office Action of Sep. 10, 2007. The petition is being considered pursuant to 37 CFR 1.181 and no fee is required for the petition.

The petition is **DISMISSED as moot**.

In the petition the applicant requested a withdrawal of the finality of the Office action mailed on Sep. 10, 2007. In support of his petition, the applicant argues that the examiner's final rejection of Sep. 10, 2007 is essentially a final rejection on new grounds not necessitated by the amendment of Jun. 18, 2007.

The record shows that:

1) In response to a non-final Office action, on Jun. 18, 2007, the applicant filed an amendment to add new claims 13 and 14 and in the remarks section of the amendment, traversed the examiner for the use of official notice and requested the examiner to produce a reference to teach the maintenance of torque balance in the engine during the time an engine air-fuel ratio is reduced to a value less lean with air flow being reduced at a rate more than that of fuel, an ignition timing of an air-fuel mixture is retarded.
2) On Sep. 10, 2007, the examiner issued a final Office action and addressed applicant's inquiry regarding the use of official notice with respect to claims 8-12 by adding the prior art patent to Yoshida et al (U.S. Pat. 6,708,668).
3) On Dec. 10, 2007, the applicant filed the current request for withdrawal of finality of office action and issuance of a new office Action.
4) On Dec. 10, 2007, the applicant filed an RCE for further continuing examination of the application.

5) On Jan. 10, 2008, the examiner withdrew the finality of the final Office action of Sep. 10, 2007 and issued a non-final Office action.

Discussion

The present petition, filed on December 10, 200 requests the withdrawal of the finality of the Office Action mailed on Sep. 10, 2007 as premature with regards to claims 8-12. However, in response to the final Office action of Sep. 10, 2007, the applicants also filed a Request for Continuing Examination on Dec. 10, 2007. With respect to a Request for Continuing Examination, 37 CFR § 1.114(d) states:
if an applicant timely files a submission and fee set forth in § 1.17(e), the Office will withdraw the finality of any Office action and the submission will be entered and considered.

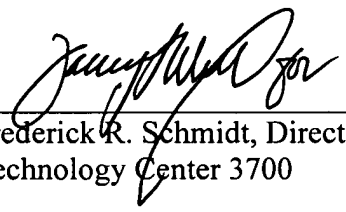
A review of the record indicates that the applicants timely filed a submission and paid the fees set forth in § 1.17(e). Therefore the Request for Continuing Examination was entered, the finality of the Office Action filed on Sep. 10, 2007 was operatively withdrawn, and the applicants were able to argue the merits of the examiner's rejections in subsequent amendments.

Decision

In view that the contested claims are now pending before the examiner, the petitioners' request for relief is moot. The relief the applicant requested, namely the withdrawal of the finality of the Sep. 10, 2007 Office Action, has already occurred. Therefore, the petition to withdraw the finality of the Sep. 10, 2007 Office Action is dismissed as moot.

PETITION DISMISSED.

Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856



Frederick R. Schmidt, Director
Technology Center 3700

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SCOTTSDALE, AZ 85251-7630

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OFFICE OF PETITIONS

In re Application of
David G. FARIAS
Application No. 11/374,727
Filed: March 13, 2006
Attorney Docket No. 10037.0100

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 14, 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, termination of representation of client, does not meet any of the conditions set forth in 37 CFR 10.40.

The request cannot be approved because the attorneys of record were not appointed by customer number

There are no pending Office actions at the present time.

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 Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: DAVID FARIAS
1012 S. COPPER KEY COURT
GILBERT, AZ 85233

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SCOTTSDALE, AZ 85251-7630

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SEP 1 1 2007

OFFICE OF PETITIONS

In re Application of :
David G. FARIAS :
Application No. 11/374,727 : DECISION ON PETITION
Filed: March 13, 2006 : TO WITHDRAW
Attorney Docket No. 10037.0100 : FROM RECORD
:

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 14, 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, termination of representation of client, does not meet any of the conditions set forth in 37 CFR 10.40.

The request cannot be approved because the attorneys of record were not appointed by customer number

There are no pending Office actions at the present time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

RECEIVED

SEP 2 8 2007

OFFICE OF PETITIONS

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: DAVID FARIAS
1012 S. COPPER KEY COURT
GILBERT, AZ 85233

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OFFICE OF PETITIONS

In re Application of :
David G. FARIAS :
Application No. 11/374,727 : DECISION ON PETITION
Filed: March 13, 2006 : TO WITHDRAW
Attorney Docket No. 10038.0100 : FROM RECORD

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 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 Douglas W. Gilmore 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.

All future communications from the Office will be directed to the inventor at the 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 the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: DAVID G. FARIAS
1012 S. COPPER KEY COURT
GILBERT, AZ 85233

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/374,727	03/13/2006	David G. Farias	10038.0100

CONFIRMATION NO. 1476

Noblitt & Gilmore, LLC
Suite 6000
4800 North Scottsdale Road
Scottsdale, AZ 85251-7630

POWER OF ATTORNEY NOTICE

Date Mailed: 12/28/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/28/2007.

- 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.

/dcgoodwyn/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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TRASK BRITT, P.C./ MICRON TECHNOLOGY
P.O. BOX 2550
SALT LAKE CITY, UT 84110

Mail Date: 04/20/2010

Applicant	: Larry D. Kinsman	: DECISION ON REQUEST FOR
Patent Number	: 7638813	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/374,728	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **903** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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YURIY YATSENKO
7639 LORETTO AVE
PHILADELPHIA PA 19111

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OCT 0 9 2008

OFFICE OF PETITIONS

In re Application of :
Yuriy **YATSENKO** :
Application No. 11/374,779 : DECISION ON PETITION
Filed: March 14, 2006 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 06, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed July 09, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 10, 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) a proper statement of unintentional delay. Accordingly, the reply to the final Office Action of July 09, 2007 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 3747 for appropriate action on the concurrently filed amendment.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **ALEKSANDR SMUSHKOVICH**
P. O. BOX 140505
BROOKLYN NY 11214

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor: Yuriy YATSENKO

Application No.: 11/374,779 Art Unit: 3747

Filed: 14 March 2006 Examiner: Ka Chun A Leung

Title: Examiner

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☑ Small entity-fee $ 770.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☑ has been filed previously on 21 November 2007.
☑ is enclosed herewith. Copy thereof

05/06/2008 NHGUYEN1 00000090 11374779
01 FC:2453 770.00 OP

B. The issue fee and publication fee (if applicable) of $ _____
☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

☑ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature — May 1, 2008 — Date

Aleksandr Smushkovich — Typed or printed name

56,997 — Registration Number, if applicable

POB 140505 — Address

(718) 373-6191 — Telephone Number

Brooklyn, NY 11214 — Address

Enclosures:
- ☑ Fee Payment
- ☑ Reply
- ☐ Terminal Disclaimer Form
- ☑ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☑ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

May 2, 2008 — Date

Signature

Aleksandr Smushkovich — Typed or printed name of person signing certificate

OIPE
MAY 06 2008
PATENT & TRADEMARK OFFICE

In the United States Patent and Trademark Office

Serial Number:	11/374,779
Application Filed:	March 14, 2006
Applicant:	Yuriy YATSENKO
Application Title:	**Hydrogen and Oxygen Production and Accumulating Apparatus Including An Internal Combustion Engine and Method**

Examiner:	Ka Chun A Leung
Art Unit:	3747
Office Communication Date Mailed:	April 21, 2008

Petition for Revival & Reply to Office Communication

Mail Stop Amendment
Commissioner for Patents
PO Box 1450,
Alexandria, VA 22313-1450

Sir:

In response to the Office Communication mailed on April 21, 2008, attached hereto please find the following:

1. Copy of Reply (mailed on November 21, 2007) to the Office Action (mailed on November 6, 2007).

2. Petition for Revival of an Application for Patent Abandoned Unintentionally (PTO/SB/64).

3. Statement Establishing Unintentional Delay.

4. Petition Fee paid by check in the amount of $770.

As Mr. Ka Chun A. Leung, Examiner, indicated in our telephone conversation on April 29, 2008, he would make the substance of the telephone interview, taken place between him and Mr. Yuriy Yatsenko, Applicant, of record in the application file.

According to 37CFR1.133, "It is the responsibility of the applicant ... to make the substance of an interview or record in the application file, **unless** the examiner indicates he or she will do so."

Additionally, Mr. Ka Chun A. Leung, Examiner, indicated in our telephone conversation on April 29, 2008, that submission of Copy of Reply mailed on November 21, 2007 would be sufficient, if the Petition for Revival, Petition Fee, and Statement Establishing Unintentional Delay would be attached.

Respectfully submitted:

Aleksandr Smushkovich May 1, 2008

ALEKSANDR SMUSHKOVICH
U.S. Patent Practitioner
Registered by U.S. PTO#56997

OIPE
MAY 06 2008
PATENT & TRADEMARK OFFICE

In the United States Patent and Trademark Office

Serial Number:	11/374,779
Application Filed:	March 14, 2006
Applicant:	Yuriy YATSENKO
Application Title:	**Hydrogen and Oxygen Production and Accumulating Apparatus Including An Internal Combustion Engine and Method**
Examiner:	Ka Chun A Leung
Art Unit:	3747
Office Communication Date Mailed:	April 21, 2008

Statement of Unintentional Delay for Petition for Revival of Abandoned Application

Mail Stop Amendment
Commissioner for Patents
PO Box 1450,
Alexandria, VA 22313-1450

Sir:

In response to the Office Communication mailed on April 21, 2008, Applicant submits the following:

1. Since Applicant filed all replies to Office communications within 1 month from the dates of mailing such communications, he believed that he was in the proper time frame. Hence, Applicant was unaware that an extension of time was due for the amendment filed on 11/23/2007, and he was not notified by the Office until the Advisory Action dated 02/01/2008 at which point the statutory period of six months had elapsed.

2. Applicant hereby states that the abandonment of the above application was unintentional, and hereby requests to consider his Petition for Revival of Abandoned Application attached hereto.

Respectfully submitted:

Aleksandr Smushkovich May 1, 2008

ALEKSANDR SMUSHKOVICH
U.S. Patent Practitioner
Registered by U.S. PTO#56997

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 11374779 Total Records Found: 4

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
05/06/2008	00000118	1	2453	$770.00	05/06/2008	CK
03/16/2006	00000071	1	2011	$150.00	03/14/2006	CK
03/16/2006	00000072	1	2111	$250.00	03/14/2006	CK
03/16/2006	00000073	1	2311	$100.00	03/14/2006	CK

Jackson, Tredelle

From: Leung, Kachun
Sent: Thursday, October 02, 2008 12:58 PM
To: Jackson, Tredelle
Subject: RE: Please review 'Memo for TC' (Application 11/374779)
Attachments: AF Amednment 11374779.pdf

Hello,

I have reviewed the propsed amendment in the application and the response would in fact place the application in condition for allowance. I have attached a copy of the initialed amendment cover sheet.

Best Regards,

Ka Chun (Alan) Leung
Examiner
Art Unit 3747

Phone: (571) 272-9963
E-mail: kachun.leung@uspto.gov

From: Jackson, Tredelle
Sent: Tuesday, September 30, 2008 9:56 AM
To: Leung, Kachun
Subject: Please review 'Memo for TC'

Please review the attached document.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Sep-06

MILDE & HOFFBERG, LLP
10 BANK STREET
SUITE 460
WHITE PLAINS NY 10606

COPY MAILED

OCT 0 2 2006

OFFICE OF PETITIONS

In re Application of	:	
Kaplan et al.	:	
Application No. 11/374,781	:	LETTER DISMISSING PETITION
Filed: 14 March, 2006	:	
Atty Docket No. LKI 205.7-KFM	:	

This is a decision in reference to the paper styled as a petition under 37 CFR 1.182, filed on 24 May, 2006, requesting that the above-identified application be accorded a filing date of 14 March, 2006, with Figures 13B, 13C and 14 described in the specification as a part of the original disclosure, which is properly treated as a petition under 37 CFR 1.57(a).

The petition is dismissed.

The petition cannot be considered on the merits because it is not signed. Specifically, 37 CFR 1.4 requires that all papers filed in the USPTO must be signed by either a registered patent attorney or all of the inventors in an application. While the petition contains a signature block for registered patent attorney Steven M. Hoffberg, the attorney's signature is missing.

Additionally, applicants are reminded that the mailing of a "Notice of Omitted Items" permits the applicant to either: (1) promptly establish prior receipt in the PTO of the drawing(s) at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the missing drawings were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted drawings in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted drawing(s) with an

oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such drawing(s) and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the "Notice of Omitted Items" (37 CFR 1.181(f)).

MPEP 201.06(c)(IV) states that:

> An applicant may incorporate by reference the prior application by including, in the application-as-filed, a statement that such specifically enumerated prior application or applications are "hereby incorporated herein by reference." The statement may appear in the specification or in the application transmittal letter. The inclusion of this incorporation by reference of the prior application(s) will permit an applicant to amend the continuing application to include any subject matter in such prior application(s), without the need for a petition.
>
> (emphasis supplied)
>
> For applications filed on or after September 21, 2004, a claim under 35 U.S.C. 120 and 37 CFR 1.78 for benefit of a prior-filed nonprovisional application or international application designating the U.S. that was present on the filing date of the continuation or divisional application is considered an incorporation by reference of the prior-filed application as to inadvertently omitted material, subject to the conditions and requirements of 37 CFR 1.57(a).

Applicants may wish to consider filing the omitted figures as an amendment under 37 CFR 1.57(a). If the omitted figures are filed as a amendment under 37 CFR 1.57(a), the amendment will be reviewed by the examiner for new matter.

A reply should be submitted within ONE (1) MONTH of the mailing date of this communication.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Charles A. Pearson
Director, Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CONNOLLY, BOVE, LODGE & HUTZ L.L.P.
1875 EYE STREET, N.W., SUITE 1100
WASHINGTON, DC 20006

COPY MAILED

SEP 0 4 2008

In re Application of :
Laurence Hager Cooke :
Application No. 11/374,790 : DECISION ON PETITION
Filed: March 13, 2006 :
Attorney Docket No. 30003-00004-US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 8, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 14, 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 15, 2007. A Notice of Abandonment was mailed 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 $770.00, and (3) an adequate statement of unintentional delay.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to Technology Center AU 2183 for appropriate action by the Examiner in the normal course of business on the reply received.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 04/21/2010

Applicant	: Charles Florin	: DECISION ON REQUEST FOR
Patent Number	: 7602970	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/374,794	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **883** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/374,795	03/14/2006	Jae-Hun Cho	5000-1-854	9607

7590 09/12/2008

CHA & REITER, LLC
210 ROUTE 4 EAST STE 103
PARAMUS, NJ 07652

EXAMINER	
TROST IV, WILLIAM GEORGE	
ART UNIT	PAPER NUMBER
2616	
MAIL DATE	DELIVERY MODE
09/12/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
09/15/2008 NFARMER 0000164359

CHECK Refund Total: $500.00

Adjustment date: 09/15/2008 NFARMER
03/16/2006 CCHAU1 00000061 11374795
02 FC:1111 -500.00 OP

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

BRUCE L. ADAMS, ESQ.
SUITE 1231
17 BATTERY PLACE
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Sumio Koiwa	: DECISION ON REQUEST FOR
Patent Number	: 7606012	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/374,818	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **632** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

MAIL

AUG 16 2006

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

ERNEST D. BUFF
ERNEST D. BUFF AND ASSOCIATES, LLC.
231 SOMERVILLE ROAD
BEDMINSTER NJ 07921

In re Application of
CARRINO, JOHN
Application No. 11/374,820
Filed: March 14, 2006
For: **CITIZEN COMMUNICATION CENTER**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed June 28, 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.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

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

NEEDLE & ROSENBERG, P.C.
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

COPY MAILED

JUN 21 2007

OFFICE OF PETITIONS

In re Application of :
King, et al. : DECISION ON PETITION
Application No. 11/374,824 :
For: March 14, 2006 :
Atty. Dkt. No.: 01182.0044U1 :

This is a decision on the petition under 37 CFR 1.137(a), February 21, 2007, to revive the above-identified application.

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 mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is not a final agency decision.

This application became abandoned June 12, 2006 for failure to timely submit a proper reply to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed April 11, 2006. The Notice set a two month shortened statutory period of time for reply. No petition for extension of time was timely received pursuant to 36 CFR 1.137. The Notice required submission of an oath or declaration in compliance with 37 CFR 1.63 along with surcharge for its late submission. Notice of Abandonment was mailed December 14, 2006.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The instant petition fails to satisfy requirement (3) set forth above.

Petitioner has failed to present a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable.

The Office may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to have been "unavoidable." See, 37 CFR 1.137(a)(3). Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887)(the term "unavoidable" "is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business"); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). A petition to revive an application as unavoidably abandoned cannot be granted where petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (N.D. Ind. 1987).

Petitioners attribute the failure to reply to the Office communication to non-receipt of the Office communication.

In the absence of any irregularity in the mailing of the Office communication, there is a strong presumption that the Office communication was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office communication was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. *See*, MPEP 711.03(c). The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office

communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail. *See*, MPEP 711.03(c).

Petitioners herein have not included a copy of a docket record where the non-received Office communication would have been entered had it been received and docketed. The copy of the docket report included with the instant petition does not reflect the time period at issue; i.e., the time period for which the Office communication in question could reasonably have been expected to have been received and docketed.

Petitioners further argue that the Office communication was erroneously mailed. The application as filed did not include an oath or declaration as required per 37 CFR 1.63. Accordingly, Notice to that effect was properly mailed to applicants.

Any renewed petition must establish that the entire period of time from the time that a reply to the Office communication was due until the filing of a grantable petition was unavoidable.

ALTERNATE VENUE

Petitioners may wish to consider filing a petition stating that the entire delay was unintentional. Petitioners' attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the 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 facsimile: (571) 273-8300

By hand: U.S. Patent and Trademark Office
Customer Window
Mail Stop Petition
Randolph Building
Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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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SEP 17 2007

OFFICE OF PETITIONS

NEEDLE & ROSENBERG, P.C.
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

In re Application of :
King, et al. : DECISION ON PETITION
Application No. 11/374,824 :
For: March 14, 2006 :
Atty. Dkt. No.: 01182.0044U1 :

This is a decision on the renewed petition under 37 CFR 1.137(a), August 21, 2007, to revive the above-identified application.

The petition under 37 CFR 1.137(a) is **GRANTED**.

This application became abandoned June 12, 2006 for failure to timely submit a proper reply to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed April 11, 2006. The Notice set a two month shortened statutory period of time for reply. No petition for extension of time was timely received pursuant to 36 CFR 1.137. The Notice required submission of an oath or declaration in compliance with 37 CFR 1.63 along with surcharge for its late submission. Notice of Abandonment was mailed December 14, 2006.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 CFR 1.137(a). Accordingly, the failure to timely submit a proper reply to the Notice is accepted as having been unavoidably delayed.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/374,834	03/14/2006	Ravi Subramanyam	7164-02	1602

23909 7590 05/13/2010
COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY, NJ 08855

EXAMINER	
SIMMONS, CHRIS E	

ART UNIT	PAPER NUMBER
1612	

MAIL DATE	DELIVERY MODE
05/13/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAY 1 3 2010

COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY NJ 08855

In re Application of:
Ravi Subramanyam
Serial No.: 11/374,834
Filed: March 14, 2006
Attorney Docket No.: **7164-02**

: PETITION DECISION

This is in response to the petitions filed by applicant under 37 CFR § 1.181(a) on September 28, 2009 and on August 19, 2009, with a request to "suspend the requirements of 37 C.F.R. §41.33 and 41.41 that bar the submission of new evidence with a reply brief and accept for consideration the Declaration of Prem Sreenivasan in the appeal of the rejection of the claims in the above-captioned application."

However, appellant should note that this petition is being treated as a request that the grounds of rejection set forth in the Examiner's Answer be designated as New Grounds of Rejection in the Examiner's Answer mailed June 19, 2009, pursuant to MPEP § 1207.03 (IV).

The delay in deciding this petition is regretted but it has just recently been brought to the attention of the Deciding Official.

BACKGROUND

On January 9, 2008, the examiner mailed a non-final Office action setting a three month statutory limit for reply. At the time this Office action was mailed, claims 1-31 were pending and rejected. In this action, the examiner rejected claims 1-3, 6-13, 16-17, 20, 22-26 and 28-31 under 35 U.S.C. 103(a) as being unpatentable over US 2003/0049303 in view of Kobayashi et al. Claims 4-5, 14-15, 18-19, 21 and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0049303 and Kobayashi et al. in view of US Patent 5,356,615. Claims 1-31 were rejected under 35 U.S.C. 103(a) as being unpatentable under US 2006/0140880 in view of Kobayashi et al. Claims 1-31were provisionally rejected on the ground of nonstatutory

obviousness-type double patenting as being unpatentable over claims 1-16 of copending Application No. 11/287,930. Claims 1-31were also provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 of copending Application No. 11/369,430.

In reply to the non-final Office action of January 9, 2008, applicant filed a response on April 98, 2008. The response submitted by applicant included remarks and arguments traversing the rejections made in the non-final Office action.

On August 19, 2008, the examiner mailed a final Office action setting a three month statutory limit for reply. In this action, claims 1-31 were pending and rejected. Claims 1-3, 6-13, 16-17, 20, 22-26 and 28-31 were again rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0049303 in view of Kobayashi et al. Claims 4-5, 14-15, 18-19, 21 and 27 were again rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0049303 and Kobayashi et al. in view of US Patent 5,356,615. Claims 1-31 were again rejected under 35 U.S.C. 103(a) as being unpatentable under US 2006/0140880 in view of Kobayashi et al. Claims 1-31were again provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 of copending Application No. 11/287,930. Claims 1-31were again provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 of copending Application No. 11/369,430.

On October 23, 2008 an amendment after final was filed.

On December 11, 2008, an advisory action was mailed to applicant wherein it was stated that the rejection of claims 1-31 under 35 U.S.C. 103(a) as being unpatentable under US 2006/0140880 in view of Kobayashi et al. was withdrawn. The other rejections were indicated as maintained.

On December 19, 2009, a Notice of Appeal was filed.

On February 19, 2009, applicant filed an Appeal Brief, appealing to the Board of Appeals from the examiner regarding the examiner's rejection of the claims.

On June 19, 2009, an Examiner's Answer was mailed by the examiner. In this Examiner's Answer, the examiner rejected claims 1-3, 6-13, 16-17, 20, 22-26 and 28-31 under 35 U.S.C. 103(a) as being unpatentable over US 2003/0049303 (Ning et al) in view of Kobayashi et al. Claims 4-5, 14-15, 18-19, 21 and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0049303 and Kobayashi et al. in view of US Patent 5,356,615. Claims 1-31 were rejected under 35 U.S.C. 103(a) as being unpatentable under US 2006/0140880 in view of Kobayashi et al. Claims 1-31were again provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 of copending Application No. 11/287,930. Claims 1-31were again provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 of copending Application No. 11/369,430.

In response thereto, appellant filed this petition under 37 CFR § 1.181(a) on September 28, 2009.

DISCUSSION

The petition and the file history have been carefully considered.

In the petition filed on September 28, 2009, appellant argues the "Examiner's Answer mailed in the above referenced application on June 19, 2009 includes a number of newly submitted statements of fact by the Examiner to support the rejection. These statements of fact have not been previously made of record, and appellant has had no opportunity to refute the statements of fact." Specifically, appellant points out that the examiner for the first time has set forth the following:

> • "Even further, eugenol is disclosed in the Ning reference as suitable for oral use [0102]. It is reasonable to expect its dimer would also be suitable for oral use." (Answer at 15).
> •"Accordingly, the skilled artisan would be motivated to use the antibacterial effects of another agent - such as the eugenol dimmer of Kobayashi - known to inhibit bacterial sertions: growth that causes oral malodor - such as E. coli does in people with dentures, for example." (Answer at 16)
> •"Additional, even if E. coli does not cause plaque, in arguendo, it is within the basic knowledge of one of ordinary skill in the art that E. coli inhabits dental plaque." (Answer at 16).
> • "With regard to appellant's suggestion that E. coli is not part of the normal oral flora, it is submitted that this assertion is incorrect. E. coli is indeed part of the normal oral flora and may be regarded as an opportunistic pathogen in the oral flora. Even in the normal state, it is common to find lower intestinal bacteria in the oral cavity. In fact, the lower intestinal cavity develops its normal microflora through oral ingestion." (Answer at 16).
> •".. the examiner submits that in abnormal situations, as in fecal-oral transmission, the oral cavity may be populated with many different types of intestinal bacteria that can cause oral malodor, including E. coli." (Answer at 16 and 17).

These statements are entirely new and have not been addressed. In addition, the statements allege what is within the basic knowledge of one of ordinary skill in the art, and that certain bacteria are part of the "normal flora" -- statements of fact that if not refuted may be considered factual evidence by the Board of Patent Appeals and Interferences (the "Board"). Appellant therefore requests that it be permitted to address these statements with evidence in the form of sworn testimony by a person qualified to opine as to what persons having ordinary skill in the art would know and understand."

Appellant's arguments are well-taken and persuasive. A detailed review of the rejections shows that the examiner did set forth new arguments. Consequently, appellant has not been provided a fair opportunity to carefully consider and respond to these arguments included in the Examiner's Answer.

It is thus decided that the Examiner's Answer of June 19, 2009 introduced a "new" ground of rejection. A new ground of rejection is permissible in an Examiner's Answer; however, an Examiner's Answer containing a new ground of rejection must adhere to the provisions set forth in the MPEP concerning the placement of such new grounds of rejection in an Examiner's Answer (MPEP § 1207.03 I-III). Specifically, the new grounds of rejection set forth by the examiner in the Examiner's Answer as identified herein may be permissible according to MPEP § 1207.03; however, the Examiner's Answer must 1) be approved by a Technology Center Director or designee, 2) specifically identify the new ground of rejection as a 'new ground of rejection,' and 3) provide applicants a two-month time period to reply to the new rejection set forth in the Examiner's answer (see MPEP § 1207.03 I for guidance).

Because the examiner set forth a "new" ground of rejection in the Examiner's Answer and because the examiner did not properly adhere to the requirements for setting forth a "new" ground of rejection in the Examiner's Answer as set forth above, the Examiner's Answer of June 19, 2009 was improper and is hereby VACATED.

DECISION

The petition is **GRANTED.**

This application will be forwarded to the examiner to either issue a corrected Examiner's Answer adhering to the provisions set forth in MPEP § 1207.03 I for introducing a new ground of rejection in an Examiner's Answer; by issuing a corrected Examiner's Answer omitting the new ground of rejection identified herein; or alternatively, to reopen prosecution to set forth said new ground of rejection. The examiner should also take note of the fact that the rejection of claims 1-31 under 35 U.S.C. 103(a) as being unpatentable under US 2006/0140880 in view of Kobayashi et al. was withdrawn (see Advisory Action of December 11, 2008) yet this rejection was set forth in the Examiner's Answer of June 19, 2009.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Remy Yucel
Director, Technology Center 1600

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FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

Mail Date: 04/21/2010

Applicant	: John C. Koshy	: DECISION ON REQUEST FOR
Patent Number	: 7593489	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/374,835	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **413** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

Mail Date: 05/18/2010

Applicant : John C. Koshy
Patent Number : 7593489
Issue Date : 09/22/2009
Application No: 11/374,835
Filed : 03/14/2006

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **498** 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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OCT 01 2009

OFFICE OF PETITIONS

NELSON MULLINS RILEY & SCARBOROUGH, LLP
1320 MAIN STREET, 17TH FLOOR
COLUMBIA, SC 29201

In re Application of :
Gregory A. PICKENS, et *al.* :
Application No. 11/374,845 : DECISION ON PETITION TO
Filed: March 14, 2006 : WITHDRAW FROM RECORD
Attorney Docket No. **41832/5550** :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 9, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **NELSON MULLINS RILEY & SCARBOROUGH, LLP** has been revoked by the assignee of the patent application on August 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 the undersigned at 571-272- 7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **JELD-WEN, INC. – STOEL RIVES, LLP**
900 SW FIFTH AVENUE, SUITE 2600
PORTLAND, OR 97204-1268

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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
11/374,848	03/13/2006	2891	2200	1016-066.D1	4	40	4

CONFIRMATION NO. 1087

22898
THE LAW OFFICES OF MIKIO ISHIMARU
333 W. EL CAMINO REAL
SUITE 330
SUNNYVALE, CA 94087

CORRECTED FILING RECEIPT

OC000000019768650

Date Mailed: 07/26/2006

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)

BeiChao Zhang, Singapore, SINGAPORE;
Chun Hui Low, Johor, MALAYSIA;
Hong Lim Lee, Penang, MALAYSIA;
Sang Yee Loong, Singapore, SINGAPORE;
Qiang Guo, Singapore, SINGAPORE;

Assignment For Published Patent Application

Chartered Semiconductor Manufacturing Ltd., Singapore, SINGAPORE

Power of Attorney:

George Saile Jr--19572
Stephen Ackerman--37761

Domestic Priority data as claimed by applicant

This application is a DIV of 10/692,028 10/23/2003 PAT 7,045,455

Foreign Applications

If Required, Foreign Filing License Granted: 04/12/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/374,848

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Via electromigration improvement by changing the via bottom geometric profile

Preliminary Class

438

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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PERKINS COIE LLP
PATENT-SEA
PO BOX 1247
SEATTLE, WA 98111-1247

Mail Date: 04/20/2010

Applicant	: Michael Slaughter	: DECISION ON REQUEST FOR
Patent Number	: 7652495	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/374,850	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/374,903	03/14/2006	Donald A. Rhodes		1688

45662 7590 07/09/2010

G. TURNER MOLLER, JR.
711 NORTH CARANCAHUA, SUITE 720
CORPUS CHRISTI, TX 78475

EXAMINER	
STEWART, JENNIFER LEIGH	
ART UNIT	PAPER NUMBER
3766	

MAIL DATE	DELIVERY MODE
07/09/2010	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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G. TURNER MOLLER, JR.
711 NORTH CARANCAHUA, SUITE 720
CORPUS CHRISTI TX 78475

In re Application of: RHODES, DONALD A.	)	
Application No. 11/374903	)	
Attorney Docket No.	)	DECISION ON PETITION UNDER 37
Filed: March 14, 2006	)	CFR §1.91
For: DIAGNOSTIC METHOD AND APPARATUS	)	
	)	
	)	

This is a decision on the petition filed June 4, 2010 under 37 CFR § 1.91 requesting the admission and consideration of a video file which have been submitted to the Office on a video disc (DVD). The petitioner has submitted this file as evidence stating in the second paragraph of the petition that the evidence is "pertinent to the claims in the application." Petitioner has also submitted a fee for $130.00.

Background

Examiner's non-final Office action contains a prior art rejection. In response, applicant has submitted an amendment along with a video file that alleges as showing "results beyond the ordinary and what could be expected by ordinary means" as stated on page 11 of Applicant's Arguments.

Issues

Whether the Office must consider secondary evidence of non-obviousness that is relevant to the subject matter as claimed, and whether there is a nexus between the merits of the claimed invention and the evidence of secondary consideration.

Decision

While the petitioner has addressed this request as a petition under 37 CFR § 1.91, it actually is one part of a submission under 37 CFR § 1.132, *Affidavits or declarations traversing rejections or objections*. The guidelines set forth in Manual for Patent Examining Procedure (MPEP) 716.01 (b) state there must be some evidence that the evidence is relevant to the subject matter as claimed and "the examiner must determine whether there is a nexus between the merits of the claimed invention and the evidence of secondary considerations. *Ashland Oil, Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 281, 305 n.42, 227 USPQ 657, 673-674 n. 42 (Fed. Cir.

1985), *cert. denied*, 475 U.S. 1017 (1986)." There must be a "legally sufficient connection between the objective evidence of nonobviousness and the claimed invention so that the evidence is of probative value in the determination of nonobviousness. *Demaco Corp. v. F. Von Langsdorff Licensing Ltd.*, 851 F.2d 1387, 7 USPQ2d 1222 (Fed. Cir.), *cert. denied*, 488 U.S. 956 (1988)." (Emphasis added.)

As the petitioner noted, the submitted video file shows two documented cases of treating muscular dystrophy using the claimed invention and claims the two boys have shown improvements using the claimed method and invention. From these statements, it appears the submission constitutes two isolated instances of improvements over muscular dystrophy and without more does not argue persuasively in the determination of nonobviousness. Petitioner has not established the submitted video contains test data comparing the use of the claimed invention and the closest prior art in showing unexpected results. Therefore, it appears the DVD does not contain factual evidence as defined in MPEP § 716.01(c) (I).

If petitioners were to establish the DVD content as being factual evidence, the submission must comply with 37 CFR § 1.91, *Models or exhibits not generally admitted as part of application or patent*. This rules, reads in pertinent part as follows:

> (a) A model or exhibit will not be admitted as part of the record of an application unless it:
> ****
> (3) Is filed with a petition under this section including:
> (i) The fee set forth in § 1.17(h); and
> (ii) An explanation of why entry of the model or exhibit in the file record is necessary to demonstrate patentability.

MPEP 608.03 goes on to explain that a video or DVD filed with a petition under Rule 91(a) (3) must be submitted with "photographs of what is depicted in the video or DVD (the content of the material such as a still image single frame of a movie) and not a photograph of a video cassette, DVD disc or compact disc."

As petitioners have failed to meet the requirements set forth above regarding the filing of the DVDs, the petition is **denied**.

The examiner will be instructed to disregard the content of the filing of June 4, 2010.

Telephone inquiries regarding this decision may be directed to the Henry Yuen, SPRE, TC 3700 at (571)272-4856.

Angela D. Sykes

Angela D. Sykes, Directors
Technology Center 3700
Mechanical Engineering, Manufacturing, Products and Designs

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 5/20/08 Paper No.: —

TO SPE OF : ART UNIT 3723

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/374918 Patent No: 7216565 B2

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within 7 days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within 7 days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

VIRGINIA TOLBERT
Certificates of Correction Branch
703-308-9390 ext. 113

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

RS ☑ **Approved** — All changes apply.

☐ **Approved in Part** — Specify below which changes **do not** apply.

☐ **Denied** — State the reasons for denial below.

Comments: _____

SPE 3723 Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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(F/K/A WORKMAN NYDEGGER & SEELEY)
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

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JUN 29 2006
OFFICE OF PETITIONS

In re Application of :
Glimpel, et al. :
Filing Date: March 14, 2006 : ON PETITION
Application No. 11/374,919 :
Dkt. No.: 16056.11 :

This decision is in response to the petition under 37 CFR 1.183 filed April 5, 2006 to accord the above-identified application a filing date of March 1, 2006 rather than the currently accorded filing date of March 14, 2006.

The petition is **DISMISSED**.

The application was filed March 14, 2006 via USPS Express Mail. Petitioners argue, however, that a previous copy of the application was submitted via facsimile on March 1, 2006. The application papers were submitted via facsimile in violation of 37 CFR 1.6(d) and 1.8(a)(2)(i)(A), as petitioners were informed by the Office of Initial Patent Examination (OIPE). Upon receipt of the letter from OIPE on March 13, 2006, petitioners filed a copy of the application via USPS Express Mail on March 14, 2006.

Petitioners herein argue that the application should be accorded the filing date of March 1, 2006, the date a copy of the application was submitted via facsimile to the Office. Petitioners further request waiver of 37 C.F.R. § 1.6(d)(3) and/or 1.8(a)(2)(i)(A) under the provisions of 37 CFR 1.183 to permit the acceptance of the application papers via facsimile and thus accord the instant application a filing date of March 1, 2006, the date a copy of the application was submitted via facsimile.

Petitioners further argue that extraordinary circumstances exist which warrant a waiver of the provisions of 37 C.F.R. § 1.6(d)(3) and/or 1.8(a)(2)(i)(A). Specifically, petitioners argue that failure to accord the application a filing date of March 1, 2006 could "potentially result in a complete loss of

all U.S. Patent rights" because March 1, 2006 "was the last possible date for filing the application in order to claim priority to the German priority document under 35 U.S.C. § 119."

Petitioners' arguments have been carefully considered, but are not found to be persuasive.

The provisions of 37 C.F.R. § 1.183 provide that "[i]n an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed."

In order for a grant of a petition under 37 CFR 1.183, petitioners must show (1) that this an extraordinary situation where (2) justice requires waiver of the rules. In re Sivertz, 227 U.S.P.Q. 255, 256 (Comm'r Pat. 1985). Petitioners have not shown that either condition exists in this case, much less that the unfortunate attempt to obtain a filing date by facsimile transmission of the instant application papers was due to circumstances beyond petitioners' control.

The USPTO regulations are published in the Federal Register, as required by the Federal Register Act, 44 U.S.C. § 1505 (formerly 44 U.S.C. §§ 5 ,7). Thus, the regulations are binding, even in the absence of actual knowledge. See, e.g., Timber Access Industries Co. v. United States, 213 Ct. Cl. 648, 553 F.2d 1250, 1255 (1977); Andrews v Knowlton, 509 F.2d 898, 905 (2nd Cir.), cert. denied, 423 U.S. 873 (1975); United States v. Aarons, 310 F.2d 341, 345-48 (2nd Cir. 1962); In re Pacific Far East Line, Inc., 314 F. Supp. 1339, 1349 (N.D. Cal. 1970), aff'd, 472 F.2d 1382 (9th Cir. 1973).

The record is not clear as to whether counsel for petitioners, or clerical personnel at counsel's firm, notwithstanding the clear and unambiguous language of 37 CFR 1.6 and 1.8, attempted to file this non-provisional application by facsimile transmission.

However, circumstances resulting from petitioners' or petitioners' counsel's failure to exercise due care, or lack of knowledge of, or failure to properly apply the patent statues or

rules of practice are not, in any event, extraordinary circumstances where the interests of justice require the granting of relief. See, In re Tetrafluor, Inc., 17 USPQ2d 1160, 1162 (Comm'r Pat. 1990); In re Bird & Son, Inc., 195 USPQ 586, 588 (Comm'r Pats. 1977).

The USPTO must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicants, and petitioners are bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962); Huston v. Ladner, 973 F.2d 1564, 1567, 23 USPQ2d 1910, 1913 (Fed. Cir. 1992); see, also, Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (D.N. Ind. 1987); Stevens v. Tamai, 366 F.3d 1325 (Fed. Cir. 2004) (court denying priority due to counsel's admitted failure to follow the Rules of Practice of the USPTO); Gustafson v. Strange, 227 USPQ 174 (Comm'r Pats. 1985)(counsel's unawareness of 37 CFR 1.8 not extraordinary situation warranting waiver of a rule).

Indeed, it is well settled that a party's inadvertent failure to comply with the requirements of the rules or procedures before the USPTO is not deemed to be an extraordinary situation that would warrant waiver of the rules or procedures under 37 CFR 1.183. See, Honigsbaum v. Lehman, 903 F. Supp. 8, 37 USPQ2d 1799 (D.D.C. 1995). Even assuming, *arguendo*, that clerical inadvertence or mistake led to petitioners' failure to submit a timely and proper reply, such is not a grounds for requesting waiver of the regulations. See, In re Kabushiki Kaisha Hitachi Seisakusho, 39 USPQ2d 1319, 1320 (Comm'r Pat. 1994) (clerical error causing delay leading to a loss of right does not warrant suspension of the rules.)

No application for patent, provisional or nonprovisional, may be filed in the Office by facsimile transmission. 37 CFR 1.6(d) states that:

> Facsimile transmissions are not permitted and, if submitted, will not be accorded a date of receipt in the following situations:
> * * * * *
> (3) Correspondence which cannot receive the benefit of the certificate of mailing or transmission as specified in §§ 1.8(a)(2)(i)(A) through (D) and (F); 1.8(a)(2)(ii)(A) and (D); and 1.8(a)(2)(iii)(A).

Section 1.8(a)(2)(i)(A) reads:

> The filing of a national patent application specification and drawing or other correspondence for the purpose of obtaining an application filing date.

Obviously, the filing of a request for an application under 37 CFR 1.53(b) is a paper filed "for the purpose of obtaining an application filing date."

The request for a 37 CFR 1.53(b) was received in the PTO on March 1, 2006 by facsimile transmission is not considered a proper filing under 37 CFR 1.53(b). In view of the above, the Auto-Reply Facsimile Transmission paper showing a PTO receipt date of March 1, 2006, is not entitled to a filing date of March 1, 2006.

Potential loss of priority rights is not deemed "extraordinary" within the meaning of 37 CFR 1.183. While an applicant may wait until the end of a 35 U.S.C. 119 priority year to file a U.S. application, the applicant does so at his or her peril. Those who file at the end of a statutory bar year (35 U.S.C. 102(b)) or a priority year (35 U.S.C. 119) do not leave any opportunity to overcome any error that might occur in filing the application. The PTO, where it has the power to do so, should not relax the requirements of established practice in order to save an applicant from the consequence of his delay. See Ex parte Sassin, 1906 Dec. Comm'r. Pat. 205, 206 (Comm'r. Pat. 1906) and compare Ziegler v. Baxter v. Natta, 159 USPQ 378, 379 (Comm'r. Pat. 1968).

While it is acknowledged that if 37 C.F.R. §§ 1.6(d)(3) and/or 1.8(a)(2)(i)(A) are not waived, petitioners' application for patent may lose its right of priority under 35 USC 119, it is not enough to show that a great loss of rights will occur to justify suspension or waiver of the rules under 37 CFR 1.183 simply because the failure to comply with the application submission requirements was an avoidable oversight that could have been prevented by the exercise of due care or diligence, and is, hence, not an extraordinary event within the meaning of 37 CFR 1.183. See, Nitto Chemical Industry Co., Ltd. V. Comer, 37 USPQ2d 1778 (1994). (Commissioner's refusal to waive requirements of 37 CFR 1.10 in order to grant priority filing

date to patent application not arbitrary and capricious because failure to comply with the requirements of 37 CFR 1.10 is an "avoidable" oversight that could have been prevented by the exercise of ordinary care or diligence, and thus not an extraordinary situation under 37 CFR 1.183). Gustafson v. Strange, supra. Rather, as the USPTO did not cause or contribute to petitioners' filing the instant application papers by facsimile transmission, as opposed to filing by, e.g., the Express Mail to Addressee provisions of 37 CFR 1.10, this is a circumstance that is even further removed from an "extraordinary situation" where "justice requires" an extraordinary remedy. See, Helfgott & Karras, P.C. v. Dickinson, 209 F.3d 1328, 54 USPQ2d 1425 (Fed. Cir. 2000).

Moreover, no extraordinary circumstance has been shown to have occurred that precluded petitioners from depositing the correspondence directly with an employee of the USPS in accordance with 37 CFR 1.10 or electronically via the Electronic Filing System to ensure timely USPTO receipt of the application papers on the desired filing date. See, Vincent v. Mossinghoff, 230 USPQ 621, 625 (D.D.C. 1985)(petitioner's failure to take adequate notice of UPSTO procedures will not be permitted to shift, in equity, his lack of diligence onto the UPSTO).

Petitioners alternatively request an "extension of time through March 14, 2006 to "correct the filing error" as provided in 37 CFR § 53(e)(1)."

Petitioners alternative request for an "extension of time" is hereby **DISMISSED**.

The provisions of 37 CFR 1.53(e)(1) provide that:

> "[i]f an application deposited under paragraph (b), (c), or (d) of this section does not meet the requirements of such paragraph to be entitled to a filing date, applicant will be so notified, if a correspondence address has been provided, and given a period of time within which to correct the filing error. If, however, a request for an application under paragraph (d) of this section does not meet the requirements of that paragraph because the application in which the request was filed is not a design application, and if the application in which the request was filed was itself filed on or after June 8, 1995, the request for an application under paragraph (d) of this section will be treated as a request for continued examination under § 1.114."

The instant application, filed in accordance with 37 CFR 1.53(b), is not subject to the provisions of 37 CFR 1.53(e)(1) as the instant application, as filed, was entitled to, and, in fact, accorded a filing date, as indicated in the Notice to File Missing Parts (Notice) mailed April 7, 2006. Thus, there was no "error" in the filing of the application within the meaning of 37 CFR 1.53(e)(1) that warranted the granting of additional time to correct.

The Notice, mailed April 7, 2006, indicated, *inter alia*, that the application had been accorded a filing date of March 14, 2006, but that Figures 1-3 appeared to have been omitted from the application papers as filed.

The Notice permitted applicant to either: (1) promptly establish prior receipt in the PTO of the omitted items at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the items in question were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted items and accept the date of such submission as the application filing date must file any omitted items with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the Notice (37 CFR 1.181(f)).

The reply to the Notice submitted May 17, 2006 does not appear to reference the omitted figures. Presumably, applicants have constructively elected acceptance of the application papers as filed on March 14, 2006 without Figures 1-3 as part of the application papers. Applicants are reminded to promptly submit a preliminary amendment canceling reference to Figures 1-3 prior to the issuance of the first Office action on the merits to avoid delays in prosecution.

Any request for reconsideration of the instant decision must be submitted within **TWO MONTHS** of the mail date of this decision and should be entitled "REQUEST FOR RECONSIDERATION UNDER 37 CFR 1.183." Extensions of time under 37 CFR 1.136 **are not** available.

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 window filing:	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

This application is being forwarded to OIPE for further processing with a filing date of March 14, 2006 and without Figures 1-3 as part of the application papers as originally filed.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

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60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY UT 84111

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JUN 21 2007

OFFICE OF PETITIONS

In re Application of :
Glimpel, et al. :
Filing Date: March 14, 2006 : ON PETITION
Application No. 11/374,919 :
Dkt. No.: 16056.11 :

This decision is in response to the renewed petition under 37 CFR 1.183, filed August 28, 2006, to waive the provisions of 37 CFR 1.6(d)(3) and/or 37 CFR 1.8(a)(2)(i)(A) for the purposes of according the above-identified application a filing date of March 1, 2006 rather than the currently accorded filing date of March 14, 2006.

The petition is **DISMISSED**.

The application was filed March 14, 2006 via USPS Express Mail. Petitioners argue that a copy of the application was submitted via facsimile on March 1, 2006. The application papers were submitted via facsimile in violation of 37 CFR 1.6(d) and 1.8(a)(2)(i)(A), as petitioners were informed by the Office of Initial Patent Examination (OIPE). Upon receipt of the letter from OIPE on March 13, 2006, petitioners filed a copy of the application via USPS Express Mail on March 14, 2006.

Petitioners continue to argue that the application should be accorded the filing date of March 1, 2006, the date a copy of the application was submitted via facsimile to the Office.

Petitioners have advanced no new arguments, but instead indicate that the decision mailed June 29, 2006 failed to discuss petitioners' argument that in accordance with 35 USC 111(a)(4), the instant application is entitled to a filing date of March 1, 2006 as this is the date that the specification was "received" in the Office.

The petition has been carefully considered, but not found convincing.

In accordance with 35 USC 21(a), "[t]he Director may by rule prescribe that any paper or fee required to be filed in the Patent and Trademark Office will be considered filed in the Office on the date on which it was deposited with the United States Postal Service or would have been deposited with the United States Postal Service but for postal service interruptions or emergencies designated by the Director."

The authority granted to the Director under 35 USC 21(a) has been exercised at 37 CFR 1.6, which governs receipt of correspondence. Moreover, 37 CFR 1.6(d) allows for facsimile transmission of correspondence except in cases specifically enumerated. In particular, 37 CFR 1.6(d)(3) sets forth correspondence which cannot receive the benefit of the certificate of mailing or transmission as specified in § 1.8(a)(2)(i)(A) through (D) and (F), and § 1.8(a)(2)(iii)(A), except that a continued prosecution application under § 1.53(d) may be transmitted to the Office by facsimile.

Of concern here is correspondence submitted pursuant to 37 CFR 1.8(a)(2)(i)(A), or, the filing of a national patent application specification and drawing or other correspondence for the purpose of obtaining an application filing date, including a request for a continued prosecution application under § 1.53(d).

Facsimile transmission of correspondence submitted for the purpose of obtaining an application filing date is simply not permitted. Moreover, senders are cautioned against submitting correspondence by facsimile transmission which is not permitted under 37 CFR 1.6(d) since such correspondence will not be accorded a receipt date. MPEP 502.

Petitioners seek to waive the requirements of 37 CFR 1.6(d)(3) and/or 37 CFR 1.8(a)(2)(i)(A) for the purposes of according the above-identified application a filing date of March 1, 2006 to avoid the loss of U.S. Patent rights because March 1, 2006 was the last possible date for filing the application in order to claim priority to the German priority document under 35 U.S.C. § 119.

The provisions of 37 C.F.R. § 1.183 provide that "[i]n an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed."

Potential loss of priority rights is not deemed "extraordinary" within the meaning of 37 CFR 1.183. While an applicant may wait until the end of a 35 U.S.C. 119 priority year to file a U.S. application, the applicant does so at his or her peril. Those who file at the end of a statutory bar year (35 U.S.C. 102(b)) or a priority year (35 U.S.C. 119) do not leave any opportunity to overcome any error that might occur in filing the application. The PTO, where it has the power to do so, should not relax the requirements of established practice in order to save an applicant from the consequence of his delay. See Ex parte Sassin, 1906 Dec. Comm'r. Pat. 205, 206 (Comm'r. Pat. 1906) and compare Ziegler v. Baxter v. Natta, 159 USPQ 378, 379 (Comm'r. Pat. 1968).

While it is acknowledged that if 37 C.F.R. §§ 1.6(d)(3) and/or 1.8(a)(2)(i)(A) are not waived, petitioners' application for patent may lose its right of priority under 35 USC 119, it is not enough to show that a great loss of rights will occur to justify suspension or waiver of the rules under 37 CFR 1.183 simply because the failure to comply with the application submission requirements was an avoidable oversight that could have been prevented by the exercise of due care or diligence, and is, hence, not an extraordinary event within the meaning of 37 CFR 1.183. See, Nitto Chemical Industry Co., Ltd. V. Comer, 37 USPQ2d 1778 (1994).

As petitioners have failed to set forth any "circumstances" which would be deemed extraordinary within the meaning of 37 CFR 1.183, the instant petition remains subject to dismissal.

As to the Notice to File Missing Parts (Notice) mailed April 7, 2006, a response appears to have been submitted May 17, 2006. The Notice indicated, *inter alia*, that the application had been accorded a filing date of March 14, 2006, but that Figures 1-3 appeared to have been omitted from the application papers as filed.

The Notice permitted applicant to either: (1) promptly establish prior receipt in the PTO of the omitted items at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the items in question were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An

applicant desiring to submit the omitted items and accept the date of such submission as the application filing date must file any omitted items with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the Notice (37 CFR 1.181(f)).

The reply submitted May 17, 2006 does not appear to reference the omitted figures. Presumably, applicants have constructively elected acceptance of the application papers as filed on March 14, 2006 without Figures 1-3 as part of the application papers. Applicants are again reminded to promptly submit a preliminary amendment canceling reference to Figures 1-3 prior to the issuance of the first Office action on the merits to avoid delays in prosecution.

Any request for reconsideration of the instant decision must be submitted within **TWO MONTHS** of the mail date of this decision and should be entitled "REQUEST FOR RECONSIDERATION UNDER 37 CFR 1.183." Extensions of time under 37 CFR 1.136 **are not** available.

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 window filing:	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

This application is again being forwarded to OIPE for further processing with a filing date of March 14, 2006 and without Figures 1-3 as part of the application papers as originally filed.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HELLER EHRMAN LLP
4350 LA JOLLA VILLAGE DRIVE #700
7TH FLOOR
SAN DIEGO CA 92122

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MAR 13 2007

OFFICE OF PETITIONS

In re Application of :
William E. McKinzie, III :
Application No. 11/374,931 : DECISION ON PETITION
Filed: March 13, 2006 : TO WITHDRAW
Attorney Docket No. 42372-0004D : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed November 7, 2006.

The request is **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, "instructions from the assignee to transfer this application", does not meet any of the conditions set forth in 37 CFR 10.40.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being

submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: JOHN RAUCH
BRINKS, HOFER, GILSON & LIONE
NBC TOWER, SUITE 3600
455 N. CITYFRONT PLAZA DRIVE
CHICAGO, IL 60611

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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LAW OFFICES OF GREGORY W MORAVAN
14019 113TH AVENUE NE
KIRKLAND, WA 98034

Mail Date: 05/19/2010

Applicant	: Elric W. Saaski	: DECISION ON REQUEST FOR
Patent Number	: 7651869	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/374,934	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: 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.

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.
11/374,948	03/14/2006	William Robert Haas	200407359-1	1963

7590 04/14/2008

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER	
ASSOUAD, PATRICK J	

ART UNIT	PAPER NUMBER
2862	

NOTIFICATION DATE	DELIVERY MODE
04/14/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 04/15/2008 DTERRY
03/14/2006 LWONDIM1 00000058 082025
02 FC:1111 500.00 CR 11374948

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APR 27 2007

OFFICE OF PETITIONS

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

In re Application of
Arnold M. Lund
Application No. 11/374,950
Filed: March 14, 2006
Attorney Docket No. 8285/823

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 4, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Joseph F. Hetz on behalf of all attorneys of record who are associated with this application.

All attorneys/agents associated with this application have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: AMERITECH CORPORATION
2000 WEST AMERITECH CENTER DRIVE
HOFFMAN ESTATES, IL 60196

cc: JAMES A. FLIGHT
HANLEY, FLIGHT & ZIMMERMAN, LLC
150 SOUTH WACKER DRIVE
SUITE 2100
CHICAGO, IL 60606-1111

UNITED STATES PATENT AND TRADEMARK OFFICE

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Morrison & Foerster LLP
1650 Tysons Blvd., Suite 300
Mclean, VA 22102

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AUG 15 2007

OFFICE OF PETITIONS

In re Application of	:	
Sanjay C. Sheth et al.	:	
Application No. 11/374,972	:	DECISION ON PETITION
Filed: March 15, 2006	:	TO WITHDRAW
Attorney Docket No. 146712014400	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed March 29, 2007.

The request is **APPROVED**.

A review of the file record indicates that Morrison & Foerster LLP: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Morrison & Foerster LLP has/have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) the intervening assignee of the entire interest. All future communications from the Office will be directed to the first copied address below until otherwise properly notified by the applicant.

The attorneys of record will remain as indicated below.

There is no outstanding Office action at this time.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Seagate Technology c/o MOFO NOVA**
1650 Tysons Blvd.
Suite 300
Mclean, VA 22102

cc: **Raj S. Dave, Ph.D**
Darby & Darby, P.C.
1500 K Street, N.W.
Washington, DC 20005-1714

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HANIFY & KING PROFESSIONAL CORPORATION
1055 THOMAS JEFFERSON STREET, NW
SUITE 400
WASHINGTON, DC 20007

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JUN 24 2010

OFFICE OF PETITIONS

In re Application of :
Rakesh Kushwaha et al :
Application No. 11/374,986 : ON PETITION
Filed: March 15, 2006 :
Attorney Docket No. 5230-007-US01

This is a decision on the petition, filed June 22, 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 May 24, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2617 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 8/28/07

Paper No.: _____

TO SPE OF : **Technology Center** 2816 11/374990

SUBJECT : Request for Certificate of Correction on Patent No.: 7227396 B2

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Elisha Evans
Certificates of Correction Branch
Tel. No. 703-308-9390 EXT 110

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:

_____

_____

_____

_____

_____

_____ 2816
SPE **Art Unit**

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PO BOX 15035
CRYSTAL CITY STATION
ARLINGTON, VA 22215

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MAY 10 2006

OFFICE OF PETITIONS

In re Application of
Patrick A. Cerqua
Application No. 11/374,993
Filed: March 15, 2006
Attorney Docket No. 26158.00

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 March 15, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The petition includes a statement by Patrick A. Cerqua attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Wan Laymon at 571-272-3220.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center AU 3751 for action on the merits commensurate with this decision.

Wan Laymon
Petitions Examiner
Office of Petitions

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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

Mail Date: 04/21/2010

Applicant	: Achim Breuer	: DECISION ON REQUEST FOR
Patent Number	: 7627931	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/375,005	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2006	: 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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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

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AUG 24 2007

OFFICE OF PETITIONS

In re Application of :
Alexander Parkhomovsky, et al. :
Application No. 11/375,010 : DECISION ON PETITION
Filed: March 15, 2006 : TO WITHDRAW
Attorney Docket No. 146712014300 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed March 30, 2007.

The request is **NOT APPROVED**.

A review of the file record indicates that Peter Davis 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 undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: RAJ. S. DAVE', PHD
DARBY & DARBY, PC
1500 K. STREET, NW
SUITE 250
WASHINGTON, DC 20005-1714

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Shumaker & Sieffert, P.A.
1625 Radio Drive
Suite 300
Woodbury, MN 55125

Mail Date: 04/20/2010

Applicant	: Alexander Parkhomovsky	: DECISION ON REQUEST FOR
Patent Number	: 7625468	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/375,010	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2006	: 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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ROYLANCE ABRAMS BERDO &
GOODMAN LLP
1300 19TH STREET NW
SUITE 600
WASHINGTON DC 20036

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JUL 26 2010

OFFICE OF PETITIONS

In re Application of
Warren, et al.
Application No. 11/375,033
Filed: March 15, 2006
Attorney Docket Number: 56555

: ON REQUEST FOR
: RECONSIDERATION OF
: PATENT TERM ADJUSTMENT

This is a decision on the petition under 37 CFR 1.705(b), filed January 20, 2010. Applicants believe that they should be accorded an additional PTA of 169 days. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

Insofar as the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent 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[1].

Further review of the application reveals that Applicants should have been assessed additional delay for filing a supplemental paper pursuant to 37 CFR 1.704(c)(8). Applicants filed an RCE on August 31, 2009. Subsequently, Applicants filed an IDS on December 30, 2009. The IDS did not contain a statement pursuant to 37 CFR 1.704(d). As such, Applicant delay of one hundred twenty-one (121) days should have been assessed for this filing.

In view thereof, the correct determination of PTA prior to issuance is **three hundred forty-nine (349) days** (542 days of PTO delay, reduced by 193 (72+121) days of Applicant delay).

Receipt of the $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged.

The application is being forwarded to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to Petitions Attorney Cliff Congo at (571) 272-3207.

Anthony Knight
Director
Office of Petitions

[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

Day : Sunday
Date: 7/25/2010

PALM INTRANET

Time: 12:54:53

PTA Calculations for Application: 11/375033			
Application Filing Date:	03/15/2006	PTO Delay (PTO):	542
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	72
Post-Issue Petitions:	0	Total PTA (days):	349
PTO Delay Adjustment:	-121		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
100	07/25/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		121	
86	01/11/2010	MAIL NOTICE OF ALLOWANCE	11		61
85	01/05/2010	ISSUE REVISION COMPLETED			
84	01/05/2010	DOCUMENT VERIFICATION			
83	01/05/2010	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
82	01/05/2010	CASE DOCKETED TO EXAMINER IN GAU			
81	01/05/2010	EXAMINER'S AMENDMENT COMMUNICATION			
80	01/05/2010	NOTICE OF ALLOWABILITY			
79	12/30/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
78	12/30/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
76	12/30/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
74	12/03/2009	PARALEGAL TD ACCEPTED			
73	11/04/2009	TERMINAL DISCLAIMER FILED			
72	11/09/2009	DATE FORWARDED TO EXAMINER			
71	11/04/2009	SUPPLEMENTAL RESPONSE			
69	11/03/2009	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
68	10/29/2009	CORRESPONDENCE ADDRESS CHANGE			
67	08/31/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
66	08/31/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
65	08/31/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			

64	09/01/2009	DATE FORWARDED TO EXAMINER			
63	08/31/2009	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
62	09/01/2009	DATE FORWARDED TO EXAMINER			
61	08/31/2009	REQUEST FOR CONTINUED EXAMINATION (RCE)		72	48
60	09/01/2009	DISPOSAL FOR A RCE / CPA / R129			
59	08/31/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
52	08/31/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
51	08/31/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
50	08/31/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
49	10/14/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
48	03/20/2009	MAIL FINAL REJECTION (PTOL - 326)			
47	03/16/2009	FINAL REJECTION			
46	02/23/2009	DATE FORWARDED TO EXAMINER			
45	02/06/2009	RESPONSE AFTER NON-FINAL ACTION			
44	01/13/2009	MAIL NON-FINAL REJECTION			
43	01/09/2009	NON-FINAL REJECTION			
42	10/14/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
41	05/02/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
40	04/23/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
39	10/11/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
38	09/14/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
35	12/02/2008	DATE FORWARDED TO EXAMINER			
34	11/25/2008	RESPONSE TO ELECTION / RESTRICTION FILED			
33	10/27/2008	MAIL RESTRICTION REQUIREMENT	531		-1
32	10/25/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
30	10/14/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
28	05/02/2008	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
27	04/23/2008	REFERENCE CAPTURE ON IDS			

26	04/23/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
24	05/02/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
23	04/23/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
22	10/11/2007	REFERENCE CAPTURE ON IDS			
21	10/11/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	10/11/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
19	09/14/2006	REFERENCE CAPTURE ON IDS			
18.7	09/14/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	09/14/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	09/23/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
16	09/23/2006	CASE DOCKETED TO EXAMINER IN GAU			
15	06/14/2006	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
14	06/14/2006	PRELIMINARY AMENDMENT			
13	03/15/2006	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
12	08/22/2006	APPLICATION RETURN FROM OIPE			
11	08/22/2006	APPLICATION RETURN TO OIPE			
10	08/22/2006	APPLICATION DISPATCHED FROM OIPE			
9	08/22/2006	APPLICATION IS NOW COMPLETE			
8	07/27/2006	ADDITIONAL APPLICATION FILING FEES			
7	07/27/2006	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
6	05/02/2006	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
5	04/26/2006	CLEARED BY L&R (LARS)			
4	04/25/2006	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
3	04/25/2006	CASE CLASSIFIED BY OIPE			
2	04/22/2006	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	03/15/2006	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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PILLSBURY WINTHROP SHAW PITTMAN LLP
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MCLEAN VA 22102

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OCT 18 2006

OFFICE OF PETITIONS

In re Application of :

CLEVELAND, et al. :
Application No. 11/375,041 : DECISION ON PETITION
Filed: March 15, 2006 : TO WITHDRAW
Attorney Docket No. LCT-108-US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 26, 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 Aslan Baghdadi on behalf of all attorneys of record who are associated with customer No. 00909. All attorneys/agents associated with the Customer Number 00909 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at 571-272-7253.

David Bucci
Petitions Examiner
Office of Petitions

cc: **Dixon Cleveland**
8306 Briar Creek Drive
Annandale, VA 22003-4641

cc: **LC Technologies Inc.**
ATTN : Shari Oley
3955 Pender Drive, Suite 120
Fairfax, VA 22030

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/375,041	03/15/2006	Dixon Cleveland	LCT-108-US

CONFIRMATION NO. 3362

OC000000020822075

MICHAEL BEDNAREK
PILLSBURY WINTHROP SHAW PITTMAN LLP
1650 TYSONS BOULEVARD
MCLEAN, VA 22102

Date Mailed: 10/13/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/26/2006.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

MONICA A GRAVES
OP (571) 272-7253

FORMER ATTORNEY/AGENT COPY

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KASHA LAW LLC
14532 DUFIEF MILL ROAD
NORTH POTOMAC MD 20878

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DEC 23 2009

OFFICE OF PETITIONS

In re Application of :
Cleveland :
Application No. 11/375,041 : DECISION
Filed: 15 March, 2006 :
Attorney Docket No. LTC-108-US :

This is a decision on the petition filed on 2 November, 2009, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay .

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action mailed on 29 May, 2008, with reply due absent an extension of time on or before 29 August, 2008.

On 27 August, 2008, Petitioner filed a reply in the form of an amendment, however, the Office mailed a Notice of Non-Compliant Amendment on 16 October, 2008, with reply due absent extension of time on or before 16 November, 2008.

The application went abandoned by operation of law after midnight 16 November, 2008.

The Office mailed the Notice of Abandonment on 3 August, 2009.

On 2 November, 2009, Petitioner filed, *inter alia*, a revocation/power of attorney, a petition (with fee) pursuant to 37 C.F.R. §1.137(b), a reply in the form of a an amendment, and made the statement of unintentional delay.

The record (including the petition filed on 2 November, 2009) does not necessitate a finding that the delay between midnight 16 November, 2008 (the date of abandonment), and 2 November, 2009 (the date of the filing of grantable petition), was not unintentional.

Rather, the Patent and Trademark Office is relying in this matter on the duty of candor and good faith of Petitioner/Counsel John R. Kasha (Reg. No. 53,100) when accepting Petitioners' representation that the delay in filing the response was unintentional.[1]

> *Further, it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue.*
>
> *Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.*[2] *In the event that such an inquiry has not been made, Petitioner* ***must*** *make such an inquiry.*
>
> *If such inquiry results in the discovery that 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 C.F.R. §1.137(b) was unintentional, Petitioner* ***must*** *notify the 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.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[3]

---

[1] See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 C.F.R. §1.137(b) to the Patent and Trademark Office).

[2] See 37 C.F.R. §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).

[3] 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).

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[4] The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[5]))

As to Allegations of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Office of Technology Center/AU 2621 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

---

[4] 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.

[5] 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.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[6]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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[6] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

Mail Date: 04/21/2010

Applicant	: Tae-Yong Son	: DECISION ON REQUEST FOR
Patent Number	: 7607161	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/375,051	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **618** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

Mail Date: 04/21/2010

Applicant	: Yong-Kyu Kim	: DECISION ON REQUEST FOR
Patent Number	: 7580267	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/375,059	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **549** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

Mail Date: 05/18/2010

Applicant : Yong-Kyu Kim
Patent Number : 7580267
Issue Date : 08/25/2009
Application No: 11/375,059
Filed : 03/15/2006

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **613** 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).

14 MAY 2009

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re Application of	:
ROUX et al.	:
Application No. 11/375,093	: DECISION ON PETITION
Filed: 15 March 2006	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 03495.0352	: and 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(3) and 1.78 (a)(6), filed 05 May 2008, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition 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 the 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 under must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e)and 37 CFR 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. A benefit claim that

merely states: "This application is a continuation of PCT International Application No. PCT/EP2004/010991, filed on September 15, 2004, which claims priority to U.S. Application No. 10/662,808..." does not comply with 37 CFR 1.78(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. See Manual of Patent Examining Procedure, (8th ed., Revision 7 (July 2008)), Section 201.11, Reference to First Application. The amendment filed 05 May 2008 fails to state the relationship of the present application to U.S. application 10/662,808.[1]

Furthermore, the amendment to the specification is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (see 35 U.S.C. §132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim after the filing date of the application, the amendment would not be proper. When a benefit claim 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).

Accordingly, before the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or a proper amendment (complying with 37 CFR 1.121 or 37 CFR 1.76(b)(5)) are required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PCT LEGAL ADMINISTRATION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

[1] It is noted that U.S. application 10/662,808 was pending at this time the present application was filed. Therefore, the intermediate application (i.e., PCT/EP2004/010991) need not contain a specifice reference to application 10/662,808 in order for the present application to claim priority under 35 U.S.C. 120 to application 10/662,808.

By hand: Customer Window located at:
Mail Stop PCT
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: 571-273-0459
ATTN: Office of PCT Legal Administration

Any questions concerning this matter may be directed to Cynthia Kratz at (571) 272-3286.

Bryan Lin

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

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LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re Application of	:
ROUX et al.	:
Application No. 11/375,093	: DECISION ON PETITION
Filed: 15 March 2006	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 03495.0352	: and 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(3) and 1.78 (a)(6), filed 02 June 2009, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition 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 the 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 under must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e)and 37 CFR 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

The reference to application 10/662,808 is not acceptable as written because application PCT/EP2004/010991 is not a continuation in part of application 10/662,808. If applicant wishes to make application PCT/EP2004/010991 a continuation in part of application 10/662,808, then an appropriate petition under 37 CFR 1.78(a)(3) must be filed in application PCT/EP2004/010991 to add the required reference.

As set forth in the decision mailed 14 May 2009, application 10/662,808 was pending at the time the present application was filed. Therefore, the intermediate application (i.e. PCT/EP2004/010991) need not contain a specific reference to application 10/662,808 in order for

the present application to claim priority under 35 U.S.C. 120 to application 10/662,808. However, the present application must still contain a proper reference to application 10/662,808. An example of a proper benefit claim in the present case would be, "This application is a continuation of international application PCT/EP2004/010991, filed on September 15, 2004, the content of which is incorporated by reference. This application is also a continuation in part of U.S. application number 10/662,808, filed on September 16, 2003, the content of which is incorporated by reference, which is a continuation in part of U.S. application number 09/816,467...."

Accordingly, before the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or a proper amendment (complying with 37 CFR 1.121 or 37 CFR 1.76(b)(5)) are required.

Further correspondence with respect to this matter should be addressed as follows:

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Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:
Mail Stop PCT
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: 571-273-0459
ATTN: Office of PCT Legal Administration

Any questions concerning this matter may be directed to Cynthia Kratz at (571) 272-3286.

Bryan Lin

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

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JUN 30 2010

OFFICE OF PETITIONS

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Patent No. 7,619,138	:	DECISION ON REQUEST
Caius Rommens et al.	:	FOR
Issue Date: November 17, 2009	:	RECONSIDERATION OF
Application No. 11/375,095	:	PATENT TERM ADJUSTMENT
Filed: March 15, 2006	:	and
Atty Docket No. **058951-0243**	:	NOTICE OF INTENT TO ISSUE
	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on January 15, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by three hundred ninety-two (392) 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 ninety-two (392) days is **GRANTED**.

The application history has been reviewed and it has been determined that applicant should have been assessed a delay under 37 CFR 1.704(b)[1] of 102 days, rather than 90 days, for

[1] 37 CFR 1.704(b) states:

> With respect to the grounds for adjustment set forth in §§ 1.702(a) through (e), and in particular the ground of adjustment set forth in § 1.702(b), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection,

filing a reply in excess of the three month period from the March 6, 2008, mailing date of the restriction/election requirement. On March 6, 2008, a restriction/election requirement was mailed. On March 18, 2008, another restriction/election requirement was mailed indicating that the restriction/election requirement mailed March 6, 2008, was being vacated. Patentees filed a response on September 16, 2008, and a period of adjustment of 90 days was entered under 37 CFR 1.704(b) from the period beginning June 19, 2008, ending September 16, 2008. The period of reduction to the patent term adjustment should be 102 days in this instance, however. It is undisputed that the Office mailed an action under 35 U.S.C. 132 in the form of a restriction/election requirement on March 6, 2008. The subsequent mailing of another Office action under 35 U.S.C. 132 does not alter the date used in calculation of the period of reduction to the patent term adjustment. The examiner does not have the authority to vacate, rescind, or withdraw an Office action. Unless vacated by the Technology Center Director, for purposes of calculating patent term adjustment, the action originally mailed by the examiner on March 6, 2008, will be used to calculate both applicant and Office delay. Thus, it is correct for the Office to use the date of March 6, 2008, in calculating the period of reduction, if any, due to applicant delay pursuant to 37 CFR 1.704(b). See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term; Final Rule, 65 Fed. Reg. 54366 (September 18, 2000). Accordingly, the period of reduction of 90 days will be removed, and a period of 102 days entered.

The Office thanks patentees for their good faith and candor in bringing this to the attention of the Office.

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.

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objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **three hundred and ninety-two (392)** days.

Telephone inquiries specific to this matter should be directed to the undersigned, at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,619,138 B2

DATED : Nov. 17, 2009

INVENTOR(S) : Rommens 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 (157) days

Delete the phrase "by 157 days" and insert – by 392 days--

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 9/23/08

TO SPE OF : ART UNIT 3748

SUBJECT : Request for Certificate of Correction for Appl. No.: 11375098 Patent No.: 7290512

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

DAVID IRVINE
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: _____

THOMAS DENION
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

Thomas Denion
SPE

3748
Art Unit

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.	:	7,290,512 B2
APPLICATION NO.	:	11/375,098
ISSUE DATE	:	November 6, 2007
INVENTOR(S)	:	Shinichi MURATA

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In column 10, line 67:
"an up section" should read –a down section–.

In column 11, line 1:
"a down section" should read –an up section–.

MAILING ADDRESS OF SENDER (Please do not use customer number below):
Charles Gorenstein
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747

CG/MH/hmw

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

GLOBAL IP COUNSELORS, LLP
1233 20TH STREET, NW, SUITE 700
WASHINGTON, DC 20036-2680

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OCT 2 4 2008

OFFICE OF PETITIONS

In re Application of :
TSURUTA, et al. :
Application No. 11/375,107 : DECISION GRANTING PETITION
Filed: March 15, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **ED-US030666** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 23, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 26, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 3681 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Monica A. Graves
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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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Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Ken Ohara	: DECISION ON REQUEST FOR
Patent Number	: 7595506	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/375,108	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **275** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Yutaka Nakagawa	: DECISION ON REQUEST FOR
Patent Number	: 7650462	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/375,110	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **323** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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/BSKB
PATENT SERVICES
101 COLUMBIA ROAD
P.O. BOX 2245
MORRISTOWN, NJ 07962-2245

Mail Date: 04/20/2010

Applicant	: Slawomir T. Fryska	: DECISION ON REQUEST FOR
Patent Number	: 7575799	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/375,119	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **502** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

Mail Date: 04/20/2010

Applicant	: Yoshitaka Yamakawa	: DECISION ON REQUEST FOR
Patent Number	: 7651802	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/375,141	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **887** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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.

JENKINS, WILSON,
TAYLOR & HUNT, P. A.
3100 TOWER BLVD
SUITE 1200
DURHAM NC 27707

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MAR 0 1 2007

OFFICE OF PETITIONS

In re Application of :
Staib et al. : DECISION ON PETITION
Application No. 11/375,159 :
Filed: March 14, 2006 :
Attorney Docket No. 1406/323 :

This is a decision on the PETITION FOR DATE OF DEPOSIT OF NONPROVISIONAL APPLICATION, filed December 7, 2006, which is properly considered as a petition under § 1.53(e)(2). Petitioners request that the Office accord the above-identified application a filing date of March 14, 2006.

Application papers in the above-identified application were deposited on March 14, 2006. However, on November 24, 2006, the Initial Patent Examination Division mailed applicants a NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION. Applicants were thereby notified that the application papers had not been accorded a filing date because the application was filed without a complete specification. Page 35 of the specification was specified identified as appearing to have been omitted from the application. This Notice set a two-month non-extendable time period for reply.

Applicants timely filed the instant petition. Applicants petition to withdraw the Office assertion that page 35 of the specification was omitted from the subject application as filed. Applicants further petition to re-instate the original filing date of March 14, 2006 as the filing date of the subject application. In support thereof, applicants submit a copy of the front and back of their itemized and date-stamped postcard. a copy of their return postcard.

A postcard receipt, which itemizes and properly identifies the items, which are being filed, serves as prima facie evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioners' postcard receipt reveals that: 1) it was date stamped as received in the USPTO on March 14, 2006, and the items filed therewith were assigned Application No. 11/375159; 2) it specifically identifies the items being filed, including "U.S. Patent Application (39 pages) and Claims (63 total, 1 independent) and Seven (7) Sheets of Drawings-FORMAL" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, petitioners have shown that the items denoted were filed on March 14, 2006.

The application papers already considered received in the Office on March 14, 2006, were reviewed along with page 35 of the specification submitted on petition. These papers together constitute the items described on the postcard receipt as ""U.S. Patent Application (39 pages) and Claims (63 total, 1 independent) and Seven (7) Sheets of Drawings-FORMAL." It is concluded that petitioner has shown that a complete specification, including page 35, was among the items present in the application on the date of deposit and should be included in the original application disclosure.

It is concluded that the application-as-filed included a complete specification and is entitled to a filing date of March 14, 2006.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee is being refunded to Deposit Account No. 50-0426, as authorized.

The application is being forwarded to the Office of Initial Patent Examination (OIPE):

- **with a filing date of March 14, 2006** using the application papers received in the Office and presently accorded that date; and page 35 of the specification re-supplied on petition filed December 7, 2006.

Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WESTMAN CHAMPLIN & KELLY, P.A.
900 SECOND AVENUE SOUTH, SUITE 1400
MINNEAPOLIS, MN 55402-3319

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OCT 05 2007

OFFICE OF PETITIONS

In re Application of :
Scot R. Foss et al :
Application No. 11/375,168 : ON PETITION
Filed: March 14, 2006 :
Attorney Docket No. REDUCED NOISE SENSITIVITY IN MAGNETIC FLOWMETER

This is a decision on the petition, filed September 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 August 27, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2863 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

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BELL, BOYD & LLOYD, LLC
PO BOX 1135
CHICAGO IL 60690-1135

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SEP 29 2006
OFFICE OF PETITIONS

In re Application of :
James E. Yelton : DECISION REFUSING STATUS
Application No. 11/375,192 : UNDER 37 CFR 1.47(b)
Filed: 13 March, 2006 :
Atty Docket No. 115013-006 :

This is a decision in response to the petition under 37 CFR 1.47(b) filed on 29 June, 2006.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," 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.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on 13 March, 2006, without an executed oath or declaration. Accordingly, on 31 March, 2006, Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application requiring, *inter alia*, an executed oath or declaration and a surcharge for its late filing. A two (2) month period for reply was set.

In response, on 29 June, 2006, petitioner filed the present petition, surcharge, and petition fee. Authorization for a one (1) month extension of time was also filed.

With regards to the petition under 37 CFR 1.47(b), petitioner asserts that the non-signing inventor refused to sign the declaration after having been sent the application papers.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
(3) the petition fee;
(4) a statement of the last known address of the non-signing inventor;
(5) proof of proprietary interest, and
(6) proof of irreparable damage.

The petition lacks items (2) and (5).

In regards to item (2), an oath or declaration in compliance with 37 CFR 1.63, signed on behalf of the non-signing inventor by an officer of the corporation, must be supplied. The declaration must include the name, citizenship, residence, and mailing address of the non-signing inventor. If the inventor refuses to sign the declaration, the declaration must be signed by an officer of the corporation (president, vice president, secretary, treasurer, or chief executive officer) on behalf of and as agent for the non-signing inventor. The officer must identify his or her title in the declaration. If the declaration is not signed by an officer of the corporation, then proof of the authority of the person signing on behalf of the corporation must be submitted (See MPEP 409.03(b)).

Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP § 324.

In regard to item (5), petitioner has not shown sufficient proprietary interest in the subject matter to justify filing of the application under 37 CFR 1.47(b).[1] Petitioner may provide proof by showing a copy of the employment agreement between the non-signing inventor and the Rule 1.47(b) applicant (company); a copy of an assignment agreement showing that the invention disclosed in the application is assigned to the Rule 1.47(b) applicant, or a legal memorandum signed by an attorney familiar

[1] MPEP 409.03(f).

with the law of the jurisdiction stating that a court of competent jurisdiction would by the weight of authority in that jurisdiction award the title of the invention to the Rule 1.47(b) applicant.

Petitioner has provided a copy of a proposed assignment, but it has not been signed by the non-signing inventor. Petitioner should provide a copy of the employment agreement or a legal memorandum as stated above.

The petition fee will be charged to counsel's deposit account as authorized on the extension of time form filed with the petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22134

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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BELL, BOYD & LLOYD, LLP
P.O. Box 1135
CHICAGO IL 60690

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JUN 28 2007

OFFICE OF PETITIONS

In re Application of	:	
James E. Yelton	:	DECISION ACCORDING STATUS
Application No. 11/375,192	:	UNDER 37 CFR 1.47(b)
Filed: 03/13/2006	:	
Atty Docket No. 115013-006	:	

This is a decision in response to the renewed petition filed on 27 April, 2007, under 37 CFR 1.47(b).

The petition is **GRANTED**.

Petitioners have shown that the sole inventor, James E. Yelton, has refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, petitioner has shown that a copy of the application was sent to the non-signing inventor. Petitioners have also shown, via the statement of registered patent attorney Matthew T. Risdale, that the non-signing inventor orally refused to sign the declaration during a telephone conversation. Additionally, petitioners have shown, via the legal memorandum of registered patent attorney James Goedken, that petitioner Rexius Forest By-Products, Inc. (hereinafter "Rexius"), has a proprietary interest in the above-identified application. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63, signed by petitioners' counsel, registered patent attorney James Goedken, on behalf of the non-signing inventor, and has demonstrated that such action is necessary to preserve the rights of the parties.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the residence address listed on the declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

The application will be referred to Technology Center Art Unit 3652 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Jun-07

James E. Yelton
605 East 50th
Eugene OR 97405

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JUN 28 2007

OFFICE OF PETITIONS

In re Application of
James E. Yelton
Application No. 11/375,192
Filed: 13 March, 2006
For: MOBILE MATERIAL PLACER AND CONVEYING SYSTEM AND METHOD OF PLACING AND CONVEYING MATERIAL UTILIZING THE SAME

Dear Mr. Yelton:

You are named as the sole inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As the named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

BELL, BOYD & LLOYD, LLC
PO BOX 1135
CHICAGO IL 60690-1135

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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DIW Apr-07

KENNEDY COVINGTON LOBDELL & HICKMAN, L.L.P.
HEARST TOWER, 47TH FLOOR
214 NORTH TRYON STREET
CHARLOTTE NC 28202

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APR 30 2007
OFFICE OF PETITIONS

In re Application of	:	
Brian Norris	:	DECISION ON PETITION
Application No. 11/375,197	:	TO WITHDRAW HOLDING
Filed: 15 March, 2006	:	OF ABANDONMENT
Atty Dcket No. A8105565US	:	

This is a decision on the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT" filed on 9 February, 2007, which is being treated as a request to withdraw the holding of abandonment of the above-identified application.

This application was held abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed on 11 April, 2006. The Notice required an executed oath or declaration, replacement drawings, and a surcharge for the late filing of the oath or declaration. A Notice of Abandonment was mailed 14 December, 2006.

Petitioner asserts that a proper response was timely filed. In support of the petition, petitioner submits a copy of a postcard receipt date-stamped by the USPTO with a date of 12 June, 2006,[1] acknowledging receipt of, *inter alia*, five (5) sheets of drawings, a declaration and power of attorney, and a letter authorizing the charging of fees to counsel's deposit account. The postcard identifies the application by applicant's name, application number, filing date, and attorney docket number. A copy of the Response was included with this petition.

[1] As 11 June, 2006, fell on a Sunday, the response filed on 12 June, 2006, is considered timely filed.

The original correspondence filed was not matched with the file at the time the Notice of Abandonment was mailed 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 response was timely filed in the Office but was not matched with the application file. For the reasons stated above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED**.

Receipt of the revocation and power of attorney filed on 12 February, 2007, is acknowledged.

The application file will be forwarded to Initial Patent Examination Division for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Notice Regarding Change of Power of Attorney

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/375,197	03/15/2006	Brian Norris	A8105565US

CONFIRMATION NO. 9885

OC000000023596277

37047
GOWLING LAFLEUR HENDERSON LLP
SUITE 1400, 700 2ND ST. SW
CALGARY, AB T2P 4V5
CANADA

Date Mailed: 04/30/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/12/2007.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

[ ]

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
NEW ATTORNEY/AGENT COPY

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ELIAS C. BORGES
SUITE 406
555 BURNHAMTHORPE ROAD
TORONTO M9C 2Y3 CA CANADA

MAILED

OCT 0 9 2009

OFFICE OF PETITIONS

In re Application of :
Anatolvy Arov :
Application No. 11/375,198 : ON PETITION
Filed: March 15, 2006 :
Attorney Docket No. 02-2186 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 28, 2009, to revive the above-identified application.

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Elias Borges appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed September 5, 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 6, 2008. A Notice of Abandonment was mailed April 14, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election of the invention to be examined, (2) the petition fee of $810, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This matter is being referred to Technology Center 3655 for further examination on the merits.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON, DC 20006

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OFFICE OF PETITIONS

In re Application of
Yan Jin et al.
Application No. 11/375,206
Filed: March 15, 2006
Attorney Docket No. UOD-214US1

DECISION ON PETITION
TO WITHFRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR 1.36(b) filed April 2, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to the firm of Connolly Bove Lodge & Hutz LLP has been revoked by the assignee of the patent application on April 1, 2008. Accordingly, the request to withdraw under 37 CFR 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Carl Friedman at 571-272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

Cc: RATNERPRESTIA
P.O. BOX 1596
WILMINGTON DE 19899

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DICKSTEIN SHAPIRO LLP
1633 BROADWAY
NEW YORK NY 10019

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DEC 3 0 2009

OFFICE OF PETITIONS

In re Application of :
Taketoshi Nakamura et al :
Application No. 11/375,212 : DECISION GRANTING PETITION
Filed: March 15, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. X2007.0214 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 28, 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 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.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2892 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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OFFICE OF PETITIONS

HITT GAINES, PC
LUCENT TECHNOLOGIES INC.
PO BOX 832570
RICHARDSON, TX 75083

In re Application of :
Thomas N. Krupenkin, et al. :
Application No. 11/375,223 : DECISION GRANTING PETITION
Filed: March 14, 2006 :
Attorney Docket No. KRUPENKIN 43-14 :

This is a decision on the petition, filed April 21, 2006, requesting that the above-identified application be accorded a filing date of March 14, 2006, instead of the presently accorded date of March 15, 2006.

Petitioners request the earlier filing date on the basis that the application was purportedly deposited with the U. S. Postal Service (USPS) as Express Mail on March 14, 2006, pursuant to 37 CFR 1.10. In support, petitioners provide a copy of the receipt for Express Mail Label No. EV 591225883 US. The same Express Mail number appears on the original Application Transmittal Letter found in the file. It is noted that while the "date-in" on the copy of the Express Mail receipt is written as "03 15 06," it also includes a "USPS" receipt stamp date of "MAR 14 2006." In view of the conflicting dates on the mailing label, restoration of the USPS Track/Confirm record for Express Mail Label No. EV 591225883 US was requested. The record corroborates acceptance of the "Express Mail" package in question at the USPS Richardson TX 75080 at 5:00pm on March 14, 2006.

Accordingly, the petition is **GRANTED**.

The application is being returned to the Office of Initial Patent Examination (OIPE) for further processing and correction of the filing date to **March 14, 2006**.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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H. ROY BERKENSTOCK
WYATT, TARRANT & COMBS, LLP
SUITE 800
1715 AARON BRENNER DR.
MEMPHIS TN 38120-4367

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JUN 0 6 2007

OFFICE OF PETITIONS

In re Application of :
Charles E. Roos, et al. :
Application No. 11/375,228 : ON PETITION
Filed: March 14, 2006 :
Attorney Docket No. D398306.7US :

This is a decision in response to the petition under 37 CFR 1.182, filed February 21, 2007, to change the order of the names of the inventors.

The petition is **GRANTED**.

The order of the names of the inventors will be changed as follows:

1. Edward J. Sommer, Jr.
2. Charles E. Roos

A Corrected Filing Receipt with the desired change in the order of the names of the inventors is enclosed.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Enclosure

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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/375,228	03/14/2006	2884	1400	D398306.7US	40	4

CONFIRMATION NO. 3625

CORRECTED FILING RECEIPT

OC000000024217684

H. ROY BERKENSTOCK
WYATT, TARRANT & COMBS, LLP
SUITE 800
1815 AARON BRENNER DR.
MEMPHIS, TN 38120-4367

Date Mailed: 06/05/2007

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)

Edward J. Sommer JR., Nashville, TN;
Charles E. Roos, Nashville, TN;

Power of Attorney:

Howard Berkenstock Jr--24719
Shawn Sentilles--38299

Domestic Priority data as claimed by applicant

This application is a DIV of 10/328,328 12/23/2002 PAT 7,012,256
which claims benefit of 60/342,290 12/21/2001

Foreign Applications

If Required, Foreign Filing License Granted: 06/04/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/375,228

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

COMPUTER ASSISTED BAG SCREENING SYSTEM

Preliminary Class

250

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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LEGAL PATENT RECORDS CENTER
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4417 LANCASTER PIKE
WILMINGTON, DE 19805

MAILED

MAY 04 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of
Jack Eugene Armantrout, et al.
Application No.: 11/375,235
Filed: March 14, 2006
Attorney Docket No.: TK3655USDIV1

This is a decision on the petition, filed February 22, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to reply to the non-final Office action mailed August 11, 2009, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on February 19, 2010. In response, on February 22, 2010, the present petition was filed wherein petitioner asserts that a reply was timely filed.

Petitioner is correct. In view of the official closing of the USPTO from Monday, February 8, 2010 through Thursday, February 11, 2010, the response period of November 11, 2009 was properly extended upon the filing of an appropriate petition for extension of time and fee on February 12, 2010. Since Friday, February 12, 2010 was the next business day, the response filed thereon is considered timely.

Consequently, the holding of abandonment for failure to timely file a response to the Office communication of August 11, 2009 is withdrawn and the application is restored to pending status.

The Notice of Abandonment mailed February 19, 2010 is hereby vacated.

This application is being referred to Technology Center AU 1786 for appropriate action in the normal course of business on the reply received February 12, 2010.

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

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

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OFFICE OF PETITIONS

In re Application of
Rohit Harshadrai Dave et al
Application No. 11/375,246
Filed: March 15, 2006
Attorney Docket No. Q93708

DECISION ON PETITION

This is a decision on the petition entitled: "PETITION UNDER 37 CFR § 1.181 REQUESTING RECOGNITION OF ALL NAMED INVENTORS" filed August 18, 2008.

The petition is **DISMISSED**.

On March 15, 2006, the above application was filed.

Petitioner avers that seven inventors were listed on the PTO Postcard and on the cover page of the Fee transmittal submitted on March 15, 2006, and that a filing receipt was issued on April 11, 2006, listing all seven inventors : (Pushpito Kumar Ghosh, Himanshu Labhshanker Joshi, Hasina Hajibhai Deraiya, Maheshkumar Ramniklal Gandhi, Rohit Harshadrai Dave, Kaushik Jethalal Langalia and Vadakke Puthoor Mohandas).

On April 11, 2006, a Notice to File Missing Parts of Nonprovisional Application (Notice) was mailed indicating that an oath or declaration was missing.

A response to the Notice was received on November 13, 2006 which was accompanied by an executed declaration listing only 3(three) inventors. A filing receipt was mailed on November 29, 2006 and on December 4, 2006 an updated filing receipt was mailed still listing only three (3) inventors.

On July 20, 2007 a "REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT" was received to add inventors: Pushpito Kumar Ghosh; Himanshu Labhshanker Joshi; Hasina Hajibhai Deriya and Maheshkumar Ramniklal Gandhi. The request was accompanied by: a copy of the December 4, 2006 filing receipt and a copy of assignment; copy of a declaration signed by

seven inventors; copy of cover page for submission of priority document and a postcard receipt stamp date of November 13, 2006 by the USPTO.

On July 23, 2007, a "RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT" was mailed accompanied by a corrected filing receipt listing only three(3) inventors. The response informed applicant that "Changes made after submission of an executed declaration to the inventor information other than correction of typographical errors must be submitted in the form of a substitute declaration. Change of inventorship requires a petition under 37 CFR 1.48."

On September 2, 2008, the above petition was submitted.

The petition is dismissed because of the below:

1. The copy of the postcard receipt stamp date November 16, 2006, did not properly itemized that the declaration contained 3(three) pages.

2. Only received evidence of (2)two pages of the executed declaration submitted on November 13, 2006.

3. The first executed declaration controls inventorship.

However, applicant may have relief by filing a petition under 37 CFR 1.48 to correct the inventorship matter.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By facsimile:
(571) 273-8300
Attn: Office of Petitions

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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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Baker Donelson Bearman, Caldwell & Berkowitz, PC
555 Eleventh Street, NW, Sixth Floor
Washington, DC 20004

Mail Date: 04/20/2010

Applicant	: Johann Leban	: DECISION ON REQUEST FOR
Patent Number	: 7601745	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/375,259	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **459** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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TWO EMBARCADERO CENTER, EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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SEP 10 2007

OFFICE OF PETITIONS

In re Application of :
BLEICH, et al. :
Application No. 11/375,265 :
Filed: March 13, 2006 :
Attorney Docket No. **026445-000700US** :

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 10, 2007.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the attorneys withdrawing by customer number 20350 must have been originally appointed by the same customer number. The attorneys associated with customer number 64214 were originally appointed by withdrawal of attorney on July 14, 2006 and are listed as attorneys of record.

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: **SHAYGLENN LLP**
2755 CAMPUS DRIVE, SUITE 210
SAN MATEO, CA 94403

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/375,281	03/14/2006	Hiroshi Suzuki	06171/LH	3705

7590 05/27/2010

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER	
TO, JENNIFER N	

ART UNIT	PAPER NUMBER
2195	

MAIL DATE	DELIVERY MODE
05/27/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

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PATENT LAW DEPT. M/S A2-250
3431 HILLVIEW AVENUE
PALO ALTO, CA 94304

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MAY 31 2006
OFFICE OF PETITIONS

In re Application of	:	
Belloni et al.	:	
Application No. 11/375,289	:	
Filed: March 13, 2006	:	ON PETITION
Attorney Docket No.	:	
R0247C-REG	:	

This is a decision on the Petition to Accord Filing Date, filed via facsimile April 20, 2006, and via first class mail April 24, 2006, requesting the above-identified application be accorded a filing date of March 13, 2006. The petition is properly treated under 37 CFR 1.53.

The petition is **granted**.

The application was filed on March 13, 2006. On April 10, 2006, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application (hereinafter "Notice") stating, *inter alia*, that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the instant petition wherein Applicant avers that the application claims priority to provisional applications 60/681,883, and 60/662,677, both of which contain drawings. Applicant further provides that the application contains method claims and, as such, drawings are not necessary for an understanding of the invention.

A review of the file reveals that Applicant is correct - the specification contains method claims. As stated in MPEP § 601.01(f), it is the practice of the PTO to treat an application that contains at least one method claim as an application for which a drawing is not necessary

for an understanding of the invention under 35 U.S.C. § 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

This application contains method claims; therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g).

In view of the above, the Notice mailed April 11, 2006, was mailed in error and is hereby withdrawn.

It is also noted that Applicant is correct that the application includes a priority claim to provisional applications 60/681,883, and 60/662,677. Incorporation by reference permits an applicant to amend the application to include any subject matter in such prior application(s) without the need for a petition, provided the application is entitled to a filing date notwithstanding the incorporation by reference. See 37 CFR 1.57.

This application is being forwarded to the Office of Initial Patent Examination, Customer Corrections, for further processing, with the filing date of March 13, 2006, and an indication that no drawings were required nor present on filing.

The petition fee has been refunded to deposit account 18-1700 as authorized in the instant petition.

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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OFFICE OF PETITIONS

In re Application of	:	
Liming Chen	:	
Application Number: 11/375311	:	DECISION ON PETITION
Filing Date: 03/14/2006	:	
Attorney Docket Number: AWUP09-PAT19	:	

This is a decision on the petition filed on December 26, 2007, under 37 CFR 1.137(b),[1] 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

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned on January 11, 2006, for failure to timely respond to the non-final Office action mailed on October 10, 2006, which set a three (3) month shortened statutory period for reply. An untimely amendment and extension of time were filed on June 6, 2007. Notice of Abandonment was mailed on August 10, 2007.

The petition lacks the required reply. Although petitioners submitted a paper styled as an amendment as the required reply, that amendment is not signed. 37 CFR 1.33(b) states that papers filed in an application, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, must be signed by: (1) A patent practitioner of record appointed in compliance with § 1.32(b); (2) A patent practitioner 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.

Additionally, it appears that the untimely amendment filed on June 6, 2007, is not properly signed, as the person who signed it, Anna Wu, does not appear to be a registered patent practitioner, nor is she listed as an inventor or person authorized to sign on behalf of an assignee as provided for under § 3.71(b) of this chapter.

The petition is therefore dismissed without prejudice to reconsideration pending receipt of a properly signed reply.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries 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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OFFICE OF PETITIONS

In re Application of	:	
Liming Chen	:	
Application Number: 11/375311	:	DECISION ON PETITION
Filing Date: 03/14/2006	:	
Attorney Docket Number: AWUP09-PAT19	:	

This is a decision on the renewed petition filed on March 17, 2008, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on January 11, 2006, for failure to timely respond to the non-final Office action mailed on October 10, 2006, which set a three (3) month shortened statutory period for reply. An untimely amendment and extension of time were filed on June 6, 2007. Notice of Abandonment was

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The 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)).

mailed on August 10, 2007. On December 26, 2007, a petition under 37 CFR 1.137(b) was filed. On February 4, 2008, the petition was dismissed.

Receipt of the amendment filed on March 17, 2008, is acknowledged.

The application is referred to Technology Center Art Unit 2833 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES CA 90013-1024

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OFFICE OF PETITIONS

In re Application of	:	
Daisuke Saito	:	
Application No. 11/375,315	:	DECISION GRANTING PETITION
Filed: March 13, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 393032059600	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 8, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 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.[1]

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

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.

Terri Williams
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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STEVEN SMYRSKI- KLA-TENCOR CORP.
JOINT CUSTOMER NUMBER
STEVEN W. SMYRSKI, ESQ.
3310 AIRPORT AVENUE, SW
SANTA MONICA, CA 90405-6118

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OFFICE OF PETITIONS

In re Application of
David R. SHAFER, et *al.*
Application No. 11/375,316
Filed: March 13, 2006
Attorney Docket No. **KLAC0107**

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 May 21, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 3, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2872 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.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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16 ELM RIDGE ROAD
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OFFICE OF PETITIONS

In re Application of
Kaixu Yuan
Application No. 11/375,345
Filed: March 14, 2006
Attorney Docket No.: **AL2006-011**

ON PETITION

This is a decision on the petition filed July 15, 2008 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed December 11, 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 March 12, 2008. Accordingly, a Notice of Abandonment was mailed June 20, 2008.

This matter is being referred to Technology Center 3765 for appropriate action on the amendment filed July 15, 2008.

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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[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE, WI 53202-4497

Mail Date: 04/20/2010

Applicant	: Shi-Jiang Li	: DECISION ON REQUEST FOR
Patent Number	: 7577472	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/375,347	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **196** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BRAKE HUGHES BELLERMANN LLP
C/O CPA Global
P.O. BOX 52050
MINNEAPOLIS, MN 55402

Mail Date: 04/20/2010

Applicant	: Tim Kaldewey	: DECISION ON REQUEST FOR
Patent Number	: 7587274	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/375,374	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **664** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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LEXINGTON MA 02421

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OFFICE OF PETITIONS

In re Application of	:	
Skurkovich et al.	:	
Application No. 11/375,378	:	ON PETITION
Filed: March 14, 2006	:	
Attorney Docket No. 0094.0001US1	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 5, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant, Simon Skurkovich. 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 1647 for action on the merits commensurate with this decision.

Liana Chase
Petitions Examiner
Office of Petitions

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BAINWOOD HUANG & ASSOCIATES LLC
2 CONNECTOR ROAD
WESTBOROUGH, MA 01581

Mail Date: 04/30/2010

Applicant	: Roger Karam	: DECISION ON REQUEST FOR
Patent Number	: 7613939	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/375,391	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **628** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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2000 UNIVERSITY AVENUE
E. PALO ALTO CA 94303-2248

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OFFICE OF PETITIONS

In re Application of :
Matthew S. Pappas :
Application No. 11/375412 :
Filing or 371(c) Date: 03/13/2006 :
Attorney Docket Number: :
358933-991101 : ON PETITION

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed January 25, 2008.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed April 7, 2006. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). Applicant filed an incomplete reply on November 7, 2006, and was so notified in a Notice of Incomplete Reply Nonprovisional, mailed November 16, 2006. No complete and proper response having been received, the application became abandoned June 8. A Notice of Abandonment was mailed July 26, 2007.

Applicant files the present petition 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 replies; (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 the Office of Patent Application Processing for processing of the reply to the Notice in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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HONEYWELL/SHIMOKAJI
PATENT SERVICES
101 Columbia Road
P.O.Box 2245
Morristown, NJ 07962-2245

Mail Date: 04/20/2010

Applicant	: Rehan Zaki	: DECISION ON REQUEST FOR
Patent Number	: 7592284	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/375,415	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **672** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MAURICE M KLEE
1951 BURR STREET
FAIRFIELD, CT 06824

Mail Date: 04/21/2010

Applicant	: Zlatomir Kircanski	: DECISION ON REQUEST FOR
Patent Number	: 7595451	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/375,424	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVELAND, OH 44114

Mail Date: 04/27/2010

Applicant	: Jeffery Rosso	: DECISION ON REQUEST FOR
Patent Number	: 7651134	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/375,470	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **79** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Choate, Hall, & Stew Art LLP
Two International Place
Boston, MA 02110

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OCT 2 8 2008

OFFICE OF PETITIONS

In re Application of	:	
Shiladitya Sengupta, et al.	:	
Application No. 11/375,475	:	DECISION ON PETITION
Filed: March 14, 2006	:	TO WITHDRAW
Attorney Docket No. 019028-056373	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed August 27, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that the attorney(s) and/or agent(s) associated with customer number 24280 does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Kevin King**
Sutherland Asbill & Brennan, LLP
999 Peachtree Street
Atlanta, GA 30309

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IBM CORPORATION
INTELLECTUAL PROPERTY LAW
11501 BURNET ROAD
AUSTIN TX 78758

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MAR 3 1 2009

OFFICE OF PETITIONS

In re Application of :
Kuehl et al. :
Application No. 11/375,485 : ON PETITION
Filed: March 14, 2006 :
Attorney Docket No. DE920050051US1 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 12, 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 the Issue Fee Transmittal with payment of the issue and publication fees, (2) the petition fee, and (3) a proper statement of unintentional delay.

The address listed on the petition differs from the new correspondence address of record. Accordingly, a courtesy copy will be mailed to the address listed on the petition; all future correspondence will be mailed solely to the correspondence address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: LYNNE D. ANDERSON
IBM CORPORATION
333 JOHN CARLYLE STREET, SUITE 635
ALEXANDRIA, VA 22314

UNITED STATES PATENT AND TRADEMARK OFFICE

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER, EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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JUN 20 2008

OFFICE OF PETITIONS

In re Application of :
ARGADE, Pramod V. :
Application No. 11/375,494 : DECISION ON PETITION
Filed: March 13, 2006 : TO WITHDRAW
Attorney Docket No. **026275-000110US** : FROM RECORD
:

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, 2008.

The request is **APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by David A. Hall on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the sole named inventor Pramod V. Argade at the address indicated below.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **PRAMOD V. ARGADE**
11471 RINGDOVE COURT
SAN DIEGO, CA 92131

UNITED STATES PATENT AND TRADEMARK OFFICE

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INTEL/BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 04/21/2010

Applicant	: Athanasios A Kasapi	: DECISION ON REQUEST FOR
Patent Number	: 7593693	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/375,500	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **605** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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: 05/18/2010

Applicant : Athanasios A Kasapi
Patent Number : 7593693
Issue Date : 09/22/2009
Application No: 11/375,500
Filed : 03/13/2006

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **676** 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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JACQUES M. DULIN, ESQ. DBA
INNOVATION LAW GROUP, LTD.
237 NORTH SEQUIM AVENUE
SEQUIM, WA 98382-3456

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MAR 3 1 2008

In re Application of :
BRACKMANN, et al. :
Application No. 11/375,504 : DECISION ON PETITION
Filed: March 13, 2006 : TO WITHDRAW
Attorney Docket No. **20581.05US6** : FROM RECORD
:

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 18, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to **INNOVATION LAW GROUP, LTD** has been revoked by the assignee of the patent application on January 9, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **NEAL GERBER & EISENBERG**
2 NORTH LASALLE STREET, SUITE 2200
CHICAGO, IL 60602

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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OFFICE OF PETITIONS

Richard M. Mescher
Porter, Wright, Morris & Arthur, LLP
41 South High Street
Columbus OH 43215

In re Application of	:
Ferenc, et al.	: DECISION REFUSING STATUS
Application No. 11/375,524	: UNDER 37 CFR 1.47(a)
Filed: March 14, 2006	:
Atty. Dkt. No.: 3993968-150413	:
For: PUSH-TO-RELEASE FOOT BRAKE	:
WITH ECCENTRIC TORSION-LOCK	:
SELF ADJUST MECHANISM	:

This decision is in response to the petition under 37 CFR 1.47(a) filed October 4, 2006.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Petitioner(s) 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 herein. The reply under 37 CFR 1.47(a) may include an oath or declaration executed by the non-signing inventors. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application (Notice) was mailed May 2, 2006. The Notice required a surcharge and an executed oath or declaration.

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.

At to item (1), petitioner(s) has failed to establish that the non-signing inventor received a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) and thereafter refused to execute an oath or

declaration, or, that the non-signing inventor cannot be reached or located for presentation of the application papers.

Petitioners allege that the application papers were mailed to the non-signing inventor at the non-signing inventor's last known address and that no response was received. Petitioners further allege that attempts were thereafter made to locate the non-signing inventor without success.

Petitioners are reminded that where inability to reach or locate a non-signing inventor is alleged, petitioners are required to establish that diligent effort was made to locate the non-signing inventor and provide the non-signing inventor with a complete copy of the patent application (specification, including claims, drawings, and oath or declaration). Petitioners have not established that diligent effort has been made to locate the non-signing inventor for presentation of the application papers.

Any renewed petition must be supported by evidence that sufficiently establishes that despite diligent effort, the non-signing inventor cannot be located. A statement of facts should be submitted that fully describes the exact facts that are relied on to establish that a *diligent effort* was made to locate the non-signing inventor. The statement of facts must be signed, where at all possible, by a person having *firsthand knowledge* of the facts recited therein. Statements based on hearsay, will not normally be accepted. At the very least, a search of the internet, human resource records, telephone directories, etc. should be undertaken in regions where it is suspected the non-signing inventor may reside. Petitioners should reference and supply evidence of any such searches in a renewed petition. *See*, MPEP 409.03(d).

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By hand:	U.S. U.S. Patent and Trademark Office Customer Service Window Mail Stop Petition Randolph Building

401 Dulaney Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Richard M. Mescher
Porter, Wright, Morris & Arthur, LLP
41 South High Street
Columbus OH 43215

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OFFICE OF PETITIONS

In re Application of	:
Ferenc, et al.	: DECISION NOTING JOINDER
Application No. 11/375,524	: OF INVENTOR AND PETITION
Filed: March 14, 2006	: UNDER 37 CFR 1.47(a) MOOT
Atty. Dkt. No.: 3993968-150413	:
For: PUSH-TO-RELEASE FOOT BRAKE	:
WITH ECCENTRIC TORSION-LOCK	:
SELF ADJUST MECHANISM	:

This decision is in response to the renewed petition under 37 CFR 1.47(a) filed January 16, 2007.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is not necessary and the petition is considered to be moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

This application is being forwarded to the Office of Initial Patent Examination for further processing

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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STEVEN J. ADAMSON, PC
P.O. BOX 5997
PORTLAND OR 97228

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DEC 0 5 2007

OFFICE OF PETITIONS

In re Application of	:	
Chen, Shane	:	
Application No. 11/375,538	:	ON PETITION
Filed: March 13, 2006	:	
Attorney Docket No. CID 004-CIP	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 22, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely and properly reply to the final Office action mailed February 5, 2007. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, this application became abandoned on May 6, 2007. A Notice of Abandonment was mailed September 4, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.[2]

---

[1] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

[2] See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item(s) (1). The Amendment submitted to the Examiner on August 3, 2007 failed to place the above-identified application in prima facie condition for allowance. A proper reply to a final rejection under 37 CFR 1.113 may be: (1) an amendment, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee); or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. Petitioner must submit one of the above documents in order to revive the above-identified application.

The Advisory Action issued by the Examiner is enclosed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:

U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: Advisory Action

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 11/375,538	**Applicant(s)** CHEN, SHANE	
	Examiner Ed Swinehart	**Art Unit** 3617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): rejection of claim 11 based upon prior art.
6. ☒ Newly proposed or amended claim(s) *11* would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: *1-11,13,14,19 and 20*.
   Claim(s) objected to: _____.
   Claim(s) rejected: *15-18*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.

Ed Swinehart
Primary Examiner
Art Unit: 3617

Continuation of 13. Other: mere addition of language of claim 15 into the specification DOES NOT overcome 112 first par. rejection. Such rejection is proper and maintained.

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STEVEN J. ADAMSON, PC
P.O. BOX 5997
PORTLAND OR 97228

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OFFICE OF PETITIONS

In re Application of	:	
Chen, Shane	:	
Application No. 11/375,538	:	DECISION ON PETITION
Filed: March 13, 2006	:	
Attorney Docket No. CID 004-CIP	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 14, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center 3617 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Mail Date: 04/21/2010

Applicant	: Marvin Russell Havens	: DECISION ON REQUEST FOR
Patent Number	: 7569395	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/375,557	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2006	: 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.

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OFFICE OF PETITIONS

INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON, P.A.
200 SOUTH SIXTH STREET
SUITE 4000
MINNEAPOLIS MN 55402

In re Application of :
Paul F. Waters et al. :
Application No. 11/375,563 : DECISION ON PETITION
Filed: March 14, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. 50997.5.2 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 12, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a signed Declaration under 37 C.F.R 1.102(c)(1) stating that applicant 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 Charles Smoot at 571-272-3299.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3747 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

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OCT 1 0 2006

OFFICE OF PETITIONS

In re Application of :
Ruey Yu et al. :
Application No. 11/375,570 : DECISION ON PETITION
Filed: March 15, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. 59210.000075 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 6, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a signed Declaration under 37 C.F.R 1.102(c)(1) stating that applicants 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 Charles Smoot at 571-272-3299.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1626 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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Knobbe, Martens, Olson & Bear LLP
2040 Main Street
14th Floor
Irvine, CA 92614

Mail Date: 04/21/2010

Applicant	: Sebastian E. van Nooten	: DECISION ON REQUEST FOR
Patent Number	: 7608549	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/375,588	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **639** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

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OFFICE OF PETITIONS

In re Application of :
Matthias Kronke, et al. :
Application No. 11/375,590 : DECISION ON PETITION
Filed: March 15, 2006 : TO WITHDRAW
Attorney Docket No. 5438222022700 : FROM RECORD
:

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 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: MATTHIAS KRONKE
NORDSTRASSE 8
DRESDEN 01199 GERMANY

cc: GERO G. MCCELLAN
PATTERSON & SHERIDAN, LLP
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON, TX 77056

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TOWNSEND AND TOWNSEND AND CREW, LLP (018563)
TWO EMBARCADERO CENTER, EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Mail Date: 04/21/2010

Applicant	: Muhammad Chishti	: DECISION ON REQUEST FOR
Patent Number	: 7578674	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/375,602	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **697** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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
11/375,603	03/14/2006	1731	1280	811_075	17	23	3

CONFIRMATION NO. 1006

025191
BURR & BROWN
PO BOX 7068
SYRACUSE, NY 13261-7068

CORRECTED FILING RECEIPT

OC000000019713074

Date Mailed: 07/21/2006

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)

Kazuyuki Hirao, Soraku-Gun, JAPAN;
Kazuki Nakanishi, Kyoto-City, JAPAN;
Koji Fujita, Kyoto-City, JAPAN;
Shigeru Hanzawa, Kagamigahara-city, JAPAN;
Yousuke Sato, Nagoya-City, JAPAN;

Assignment For Published Patent Application

NGK Insulators, Ltd., Nagoya-City, JAPAN
Kazuyuki Hirao, Soraku-Gun, JAPAN
Kazuki Nakanishi, Kyoto-City, JAPAN

Power of Attorney:

Kevin Brown–32402
Stephen Burr–32970

Domestic Priority data as claimed by applicant

This application is a CON of PCT/JP04/17523 11/18/2004

Foreign Applications

JAPAN 2003-398869 11/28/2003
If Required, Foreign Filing License Granted: 04/06/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/375,603

Projected Publication Date: 09/14/2006

Non-Publication Request: No

Early Publication Request: No

Title

Method of producing porous shaped bodies, porous shaped bodies, porous sintered bodies, porous bodies of inorganic materials and composite members

Preliminary Class

065

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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PERKINS COIE LLP/MSFT
P. O. BOX 1247
SEATTLE, WA 98111-1247

Mail Date: 04/20/2010

Applicant	: Tie-Yan Liu	: DECISION ON REQUEST FOR
Patent Number	: 7580931	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/375,612	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **393** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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

PAUL & PAUL
2000 MARKET STREET
PHILADELPHIA PA 19103-3229

In re Application of	:	
Rolf Bayersdoerfer et al	:	
Application No. 11/375,616	:	DECISION GRANTING PETITION
Filed: March 14, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2006-309/H05759	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 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 November 13, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 1751 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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MCNEES WALLACE & NURICK LLC
100 PINE STREET
P.O. BOX 1166
HARRISBURG PA 17108-1166

MAILED

JUN 03 2010

OFFICE OF PETITIONS

In re Application of :
Kopko :
Application No. 11/375,621 : ON PETITION
Filed: March 14, 2006 :
Attorney Docket No. 26432-0026 :
For: HVAC SYSTEM WITH POWERED SUBCOOLER

This is a decision on the petition under 37 CFR 1.137(b), filed April 7, 2010, to revive the above-identified application.

This application became abandoned for failure to properly respond to the final Office action mailed August 11, 2009, which set an extendable three month period for reply. Applicants submitted an amendment after final on November 11, 2009. The amendment after final failed to place this application in *prima facie* condition for allowance, as was explained in the March 25, 2010 Advisory action. Accordingly, this application became abandoned on March 12, 2009. The filing of the present petition precedes the mailing of a Notice of Abandonment.

Applicant has submitted a RCE and $81.00 required fee and a request to use the previously filed amendment of November 11, 2009 as the submission in reply to the August 11, 2009 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the August 11, 2009 final Office action, and the $1,620.00 petition fee.

The petition is **GRANTED**.

This application is being referred to Technology Center AU 3744 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment previously submitted.

Telephone inquiries pertaining to this decision may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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FOLEY & LARDNER LLP
321 NORTH CLARK STREET
SUITE 2800
CHICAGO, IL 60654-5313

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MAR 05 2009

OFFICE OF PETITIONS

In re Application of :
William G. HUBBARD, et al :
Application No. 11/375,631 : DECISION ON PETITION
Filed: March 14, 2006 : TO WITHDRAW
Attorney Docket No. 0305.03.8 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 30, 2009.

The request is **moot** because a revocation of power of attorney has been previously filed.

A review of the file record indicates that the power of attorney to Foley & Lardner, has been revoked by the assignee of the patent application on January 20, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the address below until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: SWANSON & BRATSCHUN, L.L.C.
8210 SOUTHPARK TERRACE
LITTLETON, CO 80120

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DORSEY & WHITNEY LLP
Intellectual Property Department
250 Park Avenue
New York, NY 10177

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OFFICE OF PETITIONS

In re Application of	:	
COHEN	:	
Application No. 11/375,637	:	DECISION ON PETITION
Filed: March 13, 2006	:	TO WITHDRAW
Attorney Docket No. 186366/US/2-475494-00340	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 05, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Gary Abelev, Esq., on behalf of all attorneys of record who are associated with customer No. 30873.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is no outstanding Office action that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Patricia Volpe at 571-272-6825.

David Bucci
Petitions Examiner
Office of Petitions

cc: Wayne Cohen
Managing Director
Bongo Logic, Co., Ltd.
44 Convent Road
Silom Bangrak, Bangkok
Thailand 10500

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/375,637	03/13/2006	Wayne Cohen	186366/US/2-475494-00340

CONFIRMATION NO. 2901

OC000000020445148

30873
DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
250 PARK AVENUE
NEW YORK, NY 10177

Date Mailed: 09/15/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/05/2006.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

PATRICIA A VOLPE
OP (571) 272-6825

FORMER ATTORNEY/AGENT COPY

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FISH & RICHARDSON
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

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OFFICE OF PETITIONS

In re Application of
Tom X. HE
Application No. 11/375,638
Filed: March 14, 2006
Attorney Docket No. 17991-062001/06-00181-0

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 19, 2008.

The request is **NOT APPROVED**.

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, ownership transfer, 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 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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LENOVO (US) IP Law
1009 Think Place
Building One, 4th Floor 4B6
Morrisville, NC 27560

Mail Date: 04/21/2010

Applicant	: Philip Lee Childs	: DECISION ON REQUEST FOR
Patent Number	: 7574621	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/375,640	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **609** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MAY 23 2008

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PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

In re Application of:
Curtis Williams
Serial No.: 11/375,646
Filed: March 14, 2006
Attorney Docket No.: 1760-343

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed May 19, 2008, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on May 19, 2008, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Applicant may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist/Program Manager
Technology Center 1600

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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

Mail Date: 04/21/2010

Applicant	: Curtis Williams	: DECISION ON REQUEST FOR
Patent Number	: 7626093	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/375,646	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **748** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of :
Larry D. Knerr
Serial No.: 11/375,647
Filed: March 14, 2006
Attorney Docket No.: 1484-004

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed September 25, 2007, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on September 25, 2007, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Applicant may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist/Program Manager
Technology Center 1600

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of	:
Larry D. Knerr	:
Serial No.: 11/375,647	: PETITION DECISION
Filed: March 14, 2006	:
Attorney Docket No.: 1484-004	:

This is in response to the renewed petition under 37 CFR § 1.59(b), filed November 27, 2007, to expunge information from the above identified application. This application has now been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on September 25, 2007, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper. Also, as stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. As this application has been allowed, the information is being returned to applicant.

Therefore, applicant's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist/Program Manager
Technology Center 1600

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DUANE MORRIS LLP
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196

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OFFICE OF PETITIONS

In re Application of :
Li, Che-Yu :
Application No. 11/375,657 : ON PETITION
Filed: March 13, 2006 :
Attorney Docket No. H1823-00033 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 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 the applicant, Che-Yu Li. 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 2833 for action on the merits commensurate with this decision.

Liana Chase
Petitions Examiner
Office of Petitions

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Knobbe Martens Olson & Bear LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

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In re Application of	:	
Masatoshi Masuda	:	
Application No. 11/375,665	:	DECISION ON PETITION
Filed: March 14, 2006	:	TO WITHDRAW
Attorney Docket No. SCCO.033AUS	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 17, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Knobbe Martens Olson & Bear LLP has been revoked by the assignee of the patent application on August 6, 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: **K.A. Patents**
8806 Cambridge Ave., #1003
Kansas City, MO 64138

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P.O. BOX 10395
CHICAGO IL 60610

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OFFICE OF PETITIONS

In re Application of
Timothy Frederick Thomas et al.
Application No. 11/375,700
Filed: March 14, 2006
Attorney Docket No. 11867-58

LETTER REGARDING
PATENT TERM ADJUSTMENT

This letter is in response to the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT", filed April 23, 2009. Pursuant to their duty of good faith and candor to the Office, applicants note that the patent term adjustment pursuant to 35 U.S.C. 154(b) of 344 days indicated on the Determination of Patent Term Adjustment, PTOL-85, may extend the term of this patent by too many days.

The request for correction of the initial determination of patent term adjustment (PTA) is **GRANTED.** The PTA at the time of the mailing of the notice of allowance is 343 days.

The Office has updated the PALM screen to reflect that the correct Patent Term Adjustment determination at the time of the mailing of the Notice of Allowance is three hundred seventeen (343)days. A copy of the updated PALM screen, showing the corrected determination, is enclosed.

On March 20, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 344 days. Applicants do not state a basis for their disclosure that the Patent Term Adjustment on the Notice of Allowance disagrees with their calculation.

Nonetheless, a review of the record reveals that the initial determination of patent term adjustment of 344 days is incorrect.

A response to a Restriction Requirement mailed March 4, 2008 was incorrectly listed as having been filed on March 31, 2008. Accordingly, the Office added 49 days of additional patent term for the Office's failure pursuant to 37 CFR 1.702(a)(2). However, since the proper date of the reply was April, 1, 2008, the proper amount of additional PTA relating to the Office reply should have been 48 days rather than the 49 days awarded.

In view thereof, the determination of Patent Term Adjustment at the time of the mailing of the notice of allowance should have been 343 days rather than 344 days listed on the notice of allowance.

As this letter was submitted as an advisement to the Office of an error in Applicants' favor, the Office will not assess the $200.00 fee under 37 CFR 1.18(e). The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

The 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 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 Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Examination Policy

Enclosure: Copy of Revised PALM Screen

Day : Friday
Date: 6/19/2009

PALM INTRANET

Time: 10:33:28

PTA Calculations for Application: 11/375700			
Application Filing Date:	03/14/2006	PTO Delay (PTO):	344
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	343
PTO Delay Adjustment:	-1		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
62	06/19/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		1	
49	03/20/2009	MAIL NOTICE OF ALLOWANCE			
48	03/17/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
47	03/17/2009	CASE DOCKETED TO EXAMINER IN GAU			
46	03/17/2009	ISSUE REVISION COMPLETED			
45	03/17/2009	DOCUMENT VERIFICATION			
44	03/16/2009	EXAMINER'S AMENDMENT COMMUNICATION			
43	03/16/2009	NOTICE OF ALLOWABILITY			
42	01/17/2009	DATE FORWARDED TO EXAMINER			
41	12/15/2008	RESPONSE AFTER NON-FINAL ACTION			
40	09/18/2008	MAIL NON-FINAL REJECTION	49		29
39	09/15/2008	NON-FINAL REJECTION			
38	09/04/2008	CASE DOCKETED TO EXAMINER IN GAU			
37	08/29/2008	CASE DOCKETED TO EXAMINER IN GAU			
34	12/01/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
33	08/21/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
32	09/24/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
31	04/28/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
30	04/12/2008	DATE FORWARDED TO EXAMINER			
29	03/31/2008	RESPONSE TO ELECTION / RESTRICTION FILED			
28	03/04/2008	MAIL RESTRICTION REQUIREMENT	295		-1
27	02/28/2008	REQUIREMENT FOR RESTRICTION / ELECTION			

25	01/10/2008	CASE DOCKETED TO EXAMINER IN GAU			
24	01/10/2008	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
23	09/24/2007	REFERENCE CAPTURE ON IDS			
22	09/24/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21	08/21/2007	REFERENCE CAPTURE ON IDS			
20	08/21/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
19	08/21/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	10/17/2007	WITHDRAW FLAGGED FOR 5/25			
17	10/16/2007	FLAGGED FOR 5/25			
16	09/24/2007	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
14	09/24/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	04/28/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	12/01/2006	REFERENCE CAPTURE ON IDS			
11.7	12/01/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	12/01/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	11/01/2006	CORRESPONDENCE ADDRESS CHANGE			
9	06/15/2006	APPLICATION DISPATCHED FROM OIPE			
8	06/15/2006	APPLICATION IS NOW COMPLETE			
7	06/05/2006	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
6	06/05/2006	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	06/15/2006	CORRESPONDENCE ADDRESS CHANGE			
4	04/11/2006	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
3	03/31/2006	CLEARED BY OIPE CSR			
2	03/24/2006	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	03/14/2006	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

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CERTIFICATE OF EFS FILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on the below date:

Date: April 23, 2009 Name: Trevor K. Copeland Signature: /Trevor K. Copeland/

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of:	Timothy F. Thomas et al.		
Appln. No.:	11/375,700	Examiner:	Jodi F. Cohen
Filed:	March 14, 2006	Art Unit:	1791
For:	APPARATUS AND METHODS FOR MANUFACTURING CIGARETTES	Conf. No.:	1028
Attorney Docket No.:	11867-58		

REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT

MAIL STOP ISSUE FEE
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

It has recently come to our attention that there may be an error in the patent term adjustment calculated by the U.S. Patent and Trademark Office for the above-referenced patent application. Specifically, the patent term adjustment pursuant to 35 U.S.C. 154(b) of 344 days indicated on the Determination of Patent Term Adjustment, PTOL-85, may extend the term of this patent by too many days. Please review the calculation of the patent term adjustment and make corrections, if necessary.

Respectfully submitted,

Date: April 23, 2009

/Trevor K. Copeland/
Trevor K. Copeland, Reg. No. 50,292
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
PO Box 10395
Chicago, IL 60610
312-321-4200

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WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402

Mail Date: 04/21/2010

Applicant	: Heiko O. Jacobs	: DECISION ON REQUEST FOR
Patent Number	: 7625780	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/375,701	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **189** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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

MARSHALL GERSTEIN & BORUN LLP (MICROSOFT)
233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO IL 60606

In re Application of :
Gupta, et al. :
Application No. 11/375,749 : ON PETITION
Filed: March 15, 2006 :
Attorney Docket No. 30835/193515C :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed November 9, 2009.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed April 30, 2009. This Notice set a statutory period for reply of three months. No issue fee having been received, the application became abandoned on July 31, 2009. The Office mailed a Notice of Abandonment on August 26, 2009.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of the issue fee.

The application is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO, IL 60606

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In re Application of :
Rohit Gupta, et al. :
Application No.: 11/375,749 : ON PETITION
Filed: March 15, 2006 :
Attorney Docket No.: 30835/193515C :

This is a decision on the petition, filed February 10, 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 not signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Patrick W. Evans appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. A courtesy copy of this decision is being mailed to address noted in the petition; however, if the person signing the petition desires to receive future correspondence regarding this application, then the appropriate power of attorney documents must be submitted. All future correspondence will be directed solely to the address of record.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 9, 2009, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

The application is being referred to Technology Center AU 2451 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

cc: Patrick W. Evans
Microsoft Corporation
One Microsoft Way
Redmond, WA 98052-6399

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ADVANCED MICRO DEVICES, INC.
C/O VEDDER PRICE P.C.
222 N.LASALLE STREET
CHICAGO, IL 60601

Mail Date: 04/27/2010

Applicant	: Andrew E. Gruber	: DECISION ON REQUEST FOR
Patent Number	: 7602399	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/375,750	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **766** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/05/07

TO SPE OF : ART UNIT 3661

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/375794 Patent No.: 7209812

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

A. Green

Angela Green
Certificates of Correction Branch
703.308.9380 ext. 183

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: _____

_____

_____

_____

_____

_____ 3661

SPE **Art Unit**

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RANKIN, HILL PORTER & CLARK LLP

Randolph E. Digges
Rankin, Hill, Porter & Clark. LLP
925 Euclid Avenue, Suite 700
Cleveland, Ohio 44155-1405

In re Application of :
GEORGIADES, Jerzy A. :
Application No.: 10/433,709 :
PCT No.: PCT/GB01/05376 :
Int. Filing Date: 05 December 2001 :
Priority Date: 06 December 2000 :
Attorney Docket No.: AAT-14866 :
For: PEPTIDES DERIVED FROM COLOSTRININ :

DECISION ON PETITION UNDER 37 CFR 1.47(b)

This decision is in response to applicant's "Renewed Petition under 37 CFR 1.47(b)" filed 29 March 2004, to accept the application without the signature of inventor, Jerzy Georgiades.

BACKGROUND

On 05 December 2001, applicant filed international application PCT/GB01/05376 which claimed a priority date of 06 December 2000. A Demand was filed with the International Preliminary Examination Authority prior to the 19th month from the earliest claimed priority date. Accordingly, the thirty-month time period for submitting the requisite basic national fee in the United States of America was to expire 30 months from the priority date, 06 June 2003.

On 04 June 2003, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); preliminary amendment; and a copy of international application.

On 16 September 2003, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed. The notification set a two-month time limit in which to respond.

On 14 November 2003, applicant filed a petition under 37 CFR 1.47(b). In a "Decision on Petition" dated 12 February 2004, applicant's petition under 37 CFR 1.47(b) was dismissed without prejudice.

On 29 March 2004, applicant filed the present renewed petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(i); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the nonsigning inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages.

A review of the materials submitted with the renewed petition reveals that applicant has now submitted materials which, taken in combination with the previous submissions, satisfy all the requirements for a grantable petition under 37 CFR 1.47(b).

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is **GRANTED**.

The application will be given an international filing date of 05 December 2001 under 35 U.S.C. 363, and a date of **14 November 2003** under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith

Anthony Smith
Attorney-Advisor
Office of Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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OFFICE OF PETITIONS

YAHOO C/O MOFO PALO ALTO
755 PAGE MILL ROAD
PALO ALTO, CA 94304

In re Application of
Christopher T. Szeto, et al.
Application No. 11/375,802
Filed: March 14, 2006
Attorney Docket No. 085804-719501

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 19, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Morrison and Foerster has been revoked by the assignee of the patent application on April 15, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **YAHOO! INC.**
C/O GREENBERG TRAURIG, LLP
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK, NY 10166

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HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE CA 95110

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OFFICE OF PETITIONS

In re Application of :
Richard A. Johnson et al :
Application No. 11/375,806 :
Filed: March 14, 2006 :
Attorney Docket No. 50325-1218 :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.314, filed April 1, 2008, to defer issuance of the patent.

The petition is **GRANTED**.

Issuance will be deferred for a period of one month from the date of this decision. At the end of this period, the application will be referred to the Office of Data Management to be processed into a patent.

If an additional deferral period is required, another petition and fee should be promptly submitted. The petition must include a showing of extraordinary circumstances. See MPEP 1306.01.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By Fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

Karen Creasy
Petitions Examiner
Office of Petitions

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JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

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OFFICE OF PETITIONS

In re Application of :
TOUS et al. :
Application No. 11/375,810 : DECISION ON PETITION
Filed: 03/14/2006 :
Attorney Docket No. 10271-157-999 :

This is a decision on the petition filed May 20, 2008, which is being treated as a petition under 37 CFR 1.10(e) and 1.181, requesting that the Office accept a reply as being timely filed on February 20, 2008, and to withdraw the holding of abandonment.

The petition is GRANTED.

On November 20, 2007, the Office mailed a final Office action, which set a three-month shortened statutory period for reply. Extensions of time were permitted under the provisions of 37 CFR 1.136(a). In the absence of a timely filed reply, the application became abandoned by statute on February 21, 2008. On May 20, 2008, petitioners filed the present petition.

Petitioners assert that they deposited an Amendment and Response under 37 CFR 1.116 ("Response") in reply to the final Office Action mailed November 20, 2007, a Request for Continued Examination ("RCE"), an Information Disclosure Statement and a List of References cited by applicants with copies of references ("IDS with references") and a return postcard itemizing the documents filed as "Express Mail" with the U.S. Postal Service ("USPS") on February 20, 2008. Petitioners provided copies of these papers with the present petition. Petitioners request that the Office accord these papers a filing date as of the date of deposit with the USPS on February 20, 2008, pursuant to 37 CFR 1.10(e). In support, petitioners provided a copy of the Express Mail label receipt No. EM093421992US, showing a "date-in" of February 20, 2008, as well as a USPS stamp of

February 20, 2008. The same Express Mail label number appears on the copies of the original papers.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label. MPEP 513. This is the date that verifies that the package was actually mailed.

In view of above, the evidence is convincing that the Response, RCE, and IDS with references were deposited as "Express Mail" with the USPS on February 20, 2008. Accordingly, the Response to the final Office action mailed November 20, 2007, is considered timely filed. The holding of abandonment is hereby withdrawn and the application is restored to pending status. The Office will accept the copies of the Response, RCE, and IDS with references submitted with the petition in place of the papers mailed on February 20, 2008. The Office will charge the RCE fee to the Deposit Account as authorized.

The matter is being referred to Technology Center Art Unit 1641 for further action on the reply filed February 20, 2008.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. All other questions regarding the status of the application or the examination procedures should be directed to the Technology Center.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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MARJAMA MULDOON BLASIAK AND SULLIVAN LLP
250 SOUTH CLINTON STREET
SUITE 300
SYRACUSE, NY 13202

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OFFICE OF PETITIONS

In re Application of	:	
Shinichi Yamane et al	:	
Application No. 11/375,814	:	DECISION ON PETITIONS
Filed: March 15, 2006	:	UNDER 37 CFR 1.313(c)
Attorney Docket No. 967_033CON1	:	AND 37 CFR 1.183

This is a decision on the petitions, filed September 19, 2007, under 37 CFR 1.313(c) to withdraw this application from issue and under 37 CFR 1.183 requesting waiver of the rules.

The petitions are **DISMISSED**.

As to the petition under 37 CFR 1.313(c)

As the issue fee was paid herein May 23, 3007, which is prior to the filing of the instant petition, 37 CFR 1.313(c) governs requests for withdrawal and currently provides that:

> Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:
>
> (1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
>
> (2) Consideration of a submission pursuant to 37 CFR 1.114; or
>
> (3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

Petitioner must comply with one of the above-noted exceptions to warrant withdrawal. See BlackLight Power, Inc. v. Dickinson, 109 F.Supp2d 44, 55 USPQ2d 1812 (D.D.C. 2000), *aff'd sub nom* BlackLight Power, Inc. v. Rogan, 63 USPQ2d 1534 (Fed. Cir. 2002)

(the Director may adopt rules permitting applications to be withdrawn from issue after payment of the issue fee only in situations in which the applicant is not entitled to a patent under the law);Harley v. Lehman, 981 F. Supp. 9, 11-12, 44 USPQ2d 1699, 1701-02 (D.D.C.1997)(same). Rather, the Director is not authorized to withdraw an application from issue after payment of the issue fee on an *ad hoc* basis, but only in situations which meet the conditions of 37 CFR 1.313 and 35 USC 151. Petitioner has failed to show that the circumstances of the above-identified application fall within any of those 3 exceptions. That is, for subsection (c)(1)there is no unequivocal statement that one or more claims is unpatentable, no amendment to such claim(s) and no explanation as to how the amendment cures the claim(s) defect(s). Further, the proffered IDS lacks an RCE request under 37 CFR 1.114, and as such lacks compliance with subsection (c)(2). Lastly, there is no express abandonment, as required by subsection(c)(3). Accordingly, petitioner has failed to advance an adequate basis for withdrawal of this application from issue.

As to the petition under 37 CFR 1.183

Petitioner states that, at the time of payment of the issue fee, an Information Disclosure Statement was submitted, which did not include the statement under 37 CFR 1.97(e)(2) since it would have been impractical, unreasonable, burdensome and costly for applicants to verify through investigation that the statement under 37 CFR 1.197(e)(2) was available. Further, if an RCE were now filed in this case, the forthcoming continuation/rce rules would preclude another RCE being filed in this patent family. Additionally, petitioner states that both the Examiner and Supervisory Patent Examiner had indicated that the references were considered but that, as a result of the absence of a statement under 37 CFR 1.97(e)(2), the IDS would not be initialized to indicate consideration. The petition further sets out a number of reasons as to why this petition should be granted, which will not be reiterated here. Petitioner also makes reference to a response to comment 58 in the August 21, 2007 Final Rule.

The August 21, 2007 response to comment 58 states, in part:

> Applicant could also be permitted to submit an IDS after allowance, but before the payment of the issue fee, if applicant files the IDS with a patentability justification under proposed § 1.98(a)(3)(vi), including any appropriate amendment to the claims. Applicant would be permitted to submit an IDS after

> the payment of the issue fee if applicant files a petition to withdraw from issue pursuant to § 1.313(c)(1), the patentability justification under proposed § 1.98(a)(3)(vi)(B), and an amendment to the claims. Prior to the effective date of any final rule based on the Information Disclosure Statement proposed rule, applicant may submit an IDS after the close of prosecution with a petition under § 1.183 if the IDS complies with the applicable requirements set forth in the Information Disclosure Statement proposal rule for such an IDS.

Proposed rule 37 CFR 1.98(a)(3)(vi) (71 FR 38806 (July 8, 2006) states that a patentability justification requires

> (B) An explanation pursuant to paragraph (a)(3)(iv) of this section, a non-cumulative description pursuant to paragraph (a)(3)(v) of this section, and reasons why an amendment causes claims, admitted to be unpatentable over the information in the submitted information disclosure statement, either alone or in combination with any information already of record, to now be patentable over such information when considered together, and in view of any information already of record.

Insofar as the present petition seeks to waive the provisions of 37 CFR 1.97(e)(2), the regulations pertaining to the submission of an IDS do not require that an IDS be filed, but, rather, set forth the circumstances and conditions under which the Office will consider information promptly brought to its attention by applicant(s). Further, these circumstances and conditions are linked to the stage of prosecution at the time of submission of the IDS, as it is necessary for Office to balance its need and desire to consider all information relevant to an application with its need for an efficient operation and its capability to consider information at various stages in the prosecution of an application.

In order for grant of any petition under 37 CFR 1.183, petitioner must show (1) that this is an extraordinary situation where (2) justice requires waiver of the rule. *In re Sivertz*, 227 USPQ 255, 256 (Comm'r Pat. 1985). Petitioner has not show that either condition exists in this case. Petitioner has not demonstrated that the delay in submission of the IDS was caused by "extraordinary circumstances" such that "justice requires" waiver of the requirement for certification set forth in 37 CFR 1.97(e)(1).

Moreover, petitioner's reliance on the reply to comment 58 in the forthcoming rule package (72 FR 46716 at 46764-65 (Aug. 21 2007) is misplaced: the suggestion therein for filing a petition for waiver under 37 CFR 1.183 does not there speak to a request for waiver of 37 CFR 1.97(e)(2) or (e)(1) certification. Rather, the IDS as filed May 23, 2007, lacked compliance with proposed 37 CFR 1.98a(3)(vi)(B) in completely omitting a patentability justification, in addition to lacking the timeliness certification requirement which requirement is being retained after November 1, 2007. The reply to comment 58 makes clear that compliance with the forthcoming Information Disclosure Statement requirements set forth in 71 FR 38806 (July 8, 2006) is expected for any attempt at securing consideration of an IDS submitted after, as here, close of prosecution and payment of the issue fee, but before implementation of the IDS rulemaking of 71 FR 38808. Note that the 3 month timing requirement of current 37 CFR 1.97(e) (1) or (2) is to be retained; and the requirement for a patentability justification is being imposed. The IDS of record fails to meet these requirements, which makes its consideration impractical, and non-compliant with the suggestion in the reply to comment 58.

Note that the IDS, as filed May 23, 2007, even then lacked the necessary certification required by 37 CFR 1.97(e)(1) or (2). As such, petitioner's allegations regarding what the examiner considered or did not consider **after** May 23, 2007, simply are immaterial to petitioner's continuous lack of compliance with 37 CFR 1.97(d) and (e). That is, there is simply no causal relationship between the examiner's actions or inactions after May 23, 2007, and petitioner's failure on or before May 23, 2007, to submit the IDS within 3 months of any party having the obligation under 37 CFR 1.56 of the date that party was confronted with that information. Whether that information was timely brought to the attention of the USPTO with an accompanying certification under 37 CFR 1.97 was a circumstance entirely within the control of petitioner, not the examiner. Indeed the remarks accompanying the submission of the IDS indicate (at 3) that the documents in the accompanying IDS had been served on the patent owner more than 3 months prior to May 23, 2007. Accordingly, there is no basis given in the petition or apparent from the record to excuse the lack of petitioner's required statement under 37 CFR 1.97(e)(1) or (2).

Petitioner's reliance on Helfgott & Karas v. Dickinson, 209 F2d 1330 (Fed,.Cir. 2000) is noted but such is readily distinguished on the facts. In Helfgott, while the USPTO did not cause the error, it nevertheless contributed to applicant's failure to more timely discover and correct an error in identifying the correct

docket number for the application. Here, however, as noted above, petitioner's failure to supply the requisite certification required by 37 CFR 1.97(e) on May 23, 2007, was wholly due to its own delay and, while this error could not thereafter be corrected, this error was in no way caused or subsequently contributed to by the USPTO. That is, petitioner, at the time he first became aware of the information, could have made the certification, and submitted the information, certification, petition, and fee to the Office, and as such, the information would have been considered by the Office.[1] Petitioner's undue delay in taking appropriate action with respect to this application is not seen to warrant equitable tolling of the period set forth in 37 CFR 1.97(e). See, Vincent v. Mossinghoff, 230 USPQ 621, 625 (D.D.C. 1985). Equitable powers should not be invoked to excuse the performance of a condition by a party that has not acted with reasonable, due care and diligence. U.S. v. Lockheed Petroleum Services, 709 F.2d 1472, 1475 (Fed. Cir. 1983).

It is well settled that a party's inadvertent failure to comply with the requirements of the rules or procedures before the USPTO is not deemed to be an extraordinary situation that would warrant waiver of the rules or procedures under 37 CFR 1.183. See Honigsbaum v. Lehman, 903 F. Supp. 8, 37 USPQ2d 1799 (D.D.C. 1995) (Commissioner did not abuse his discretion in refusing to waive requirements of 37 CFR 1.10(c) in order to grant filing date to patent application, where applicant failed to produce "Express Mail" customer receipt or any other evidence that application was actually deposited with USPS as "Express Mail"), *aff'd without opinion*, 95 F.3d 1166 (Fed. Cir.1996); Nitto Chemical Industry. Co., Ltd. v. Comer, 39 USPQ2d 1778, 1782 (D.D.C. 1994) (Commissioner's refusal to waive requirements of 37 CFR 1.10 in order to grant priority filing date to patent application not arbitrary and capricious, because failure to comply with the requirements of 37 CFR 1.10 is an "avoidable" oversight that could have been prevented by the exercise of ordinary care or diligence, and thus not an extraordinary situation under 37 CFR 1.183); Gustafson v. Strange, 227 USPQ 174 (Comm'r Pats. 1985) (Counsel's unawareness of 37

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[1] The preliminary "Notice of Proposed Rulemaking, Duty of Disclosure" 56 *Fed. Reg.* 37321 (Aug. 6, 1991) at 37326 emphasized that the time that the information was known to any individual designated in 37 CFR 1.56(c) is the time when the information was first discovered, even if applicant's awareness of the materiality came later. This encourages prompt evaluation of the relevance of information and to have a date certain for determining if a certification under 37 CFR 1.97(e) can be properly made. Likewise the 3 month period for submission of the IDS after discovery of the information is familiar to users of the patent system and based on the normal shortened statutory period for reply to an Office action See "Notice of Final Rulemaking, Duty of Disclosure", 57 *Fed. Reg.* 2021, 2027-2028 (January 17, 1992).

CFR 1.8 not extraordinary situation warranting waiver of a rule). Rather, as the USPTO did not cause or contribute to the delay in consideration of the information, this is not an "extraordinary situation" where "justice requires" an extraordinary remedy. See Helfgott, supra.

Moreover, petitioner has a suitable remedy on hand that does not require the extraordinary remedy of invoking 37 CFR 1.183, which petitioner has not sought, i.e., petitioner simply could have filed a petition in compliance with 37 CFR 1.313(c)(1) or an RCE in compliance with 37 CFR 1.312(c)(2) or a petition in compliance with 37 CFR 1.313(c)(3) to have the IDS considered in a continuation application, where as here, petitioner cannot make the required statement. See MPEP 609.04(b)(IV). It is brought to petitioner's attention that the USPTO will not normally consider an extraordinary remedy when the rules already provide an avenue for obtaining the relief sought. *See* Cantello v. Rasmussen, 220 USPQ 664 (Comm'r Pat. 1982). Petitioner's further concerns about the forthcoming rule change do not provide a basis for excusing petitioner's failure to comply with the rules currently in effect. Whether an additional RCE (in excess of 1) or additional continuation will be filed in the future of this patent family is simply petitioner's speculation. Such speculation is not a basis for seeking waiver of the rules currently in effect. Moreover, the forthcoming rules do provide for consideration of petitions-at that time--seeking USPTO acceptance of a continuation in excess of 2, or an RCE in excess of 1. Accordingly the forthcoming rule change is not seen to be a compelling basis for petitioner's request for waiver. Lastly, petitioner can also seek reexamination under 35 U.S.C. § 302 of the forthcoming patent arising from this application, or may seek in the alternative reissue of the forthcoming patent as provided for by 35 U.S.C. § 251.

AS the fee for a petition under 37 CFR 1.183 is $400, and as only $130 has been suggested, the balance of $270 has been charged to deposit account no. 50-0289 as authorized.

Telephone inquiries related to this decision may be addressed to the undersigned at 571-272-3217.

Brian Hearn
Petitions Examiner

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MARJAMA MULDOON BLASIAK & SULLIVAN LLP
250 SOUTH CLINTON STREET
SUITE 300
SYRACUSE NY 13202

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SEP 28 2007

OFFICE OF PETITIONS

In re Application of	:	
Shinichi Yamane et al	:	
Application No. 11/375,814	:	DECISION GRANTING PETITION
Filed: March 15, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 967_033CON1	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 28, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 23, 2007 ***cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.***[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2816 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS and an amendment.

Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/375,830	03/15/2006	Sihai Wang	5000-1-849	4134

7590 09/12/2008

CHA & REITER, LLC
210 ROUTE 4 EAST STE 103
PARAMUS, NJ 07652

EXAMINER	
CALDWELL, ANDREW T	
ART UNIT	**PAPER NUMBER**
2142	
MAIL DATE	**DELIVERY MODE**
09/12/2008	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.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 09/12/2008 BPOWELL
03/17/2006 FMETEKI1 00000039 11375830
02 FC:1111 -500.00 OP

Refund Ref:
09/12/2008 0030061053

Credit Card Refund Total: $510.00

Am Exp..: XXXXXXXXXXX2007

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AMIN. TUROCY & CALVIN, LLP
24TH FLOOR, NATIONAL CITY CENTER
1900 EAST NINTH STREET
CLEVELAND, OH 44114

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FEB 21 2007

OFFICE OF PETITIONS

In re Application of :
Zhaohui Tang et al :
Application No. 11/375,850 : DECISION GRANTING
Filed: March 15, 2006 : PETITION
Attorney Docket No. :
MS315560.01/MSFTP1270US

This is a decision on the petition filed September 9, 2006, requesting that the above-identified application be accorded a filing date of March 15, 2006, rather than the presently accorded date of March 16, 2006. The petition is properly treated as a petition under 37 CFR 1.10(d).

The petition is **GRANTED**.

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on March 15, 2006 pursuant to 37 CFR 1.10. While the copy of the Express Mail label receipt no. EV763470659US bears a handwritten "date-in" of March 16, 2006, petitioner has provided a copy of the U. S. Postal Service (USPS) postal receipt and mail certification showing the date of deposit as March 15, 2006. The USPS Express Mail Track and Confirm database shows that the package in question was deposited on March 15, 2006. The same Express Mail number appears on the originally filed application papers. Applicants are alleging that the date of mailing shown in the "date-in" is a USPS error and the correct date of mailing pursuant to 37 CFR 1.10 is March 16, 2006.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label, MPEP 513. However, in view of the petitioner's evidence showing a March 15, 2006 USPS postal receipt date for the express mail package at issue and results from the USPS Track and Confirm database, it is confirmed that the package bearing Express Mail label No. EV763470659US was accepted on March 15, 2006.

This application is accorded affirming date of March 15, 2006. A corrected Filing Receipt accompanies this decision on petition.

Telephone inquiries concerning this matter may be directed Irvin Dingle at (571) 272-3210.

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: corrected Filing Receipt

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/375,850	03/15/2006	2129	1000	MS315560.01/MSFTP1270US	10	20	3

CONFIRMATION NO. 2093

CORRECTED FILING RECEIPT

OC000000022258744

27195
AMIN. TUROCY & CALVIN, LLP
24TH FLOOR, NATIONAL CITY CENTER
1900 EAST NINTH STREET
CLEVELAND, OH 44114

Date Mailed: 01/31/2007

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)

ZhaoHui Tang, Bellevue, WA;
Donald M. Farmer, Woodinville, WA;
C. James MacLennan, Redmond, WA;

Assignment For Published Patent Application

Microsoft Corporation, Redmond, WA

Power of Attorney: The patent practitioners associated with Customer Number **27195**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 03/29/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/375,850

Projected Publication Date: 09/20/2007

Non-Publication Request: No

Early Publication Request: No

Title

Transform for outlier detection in extract, transfer, load environment

Preliminary Class

706

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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SEAGATE TECHNOLOGY LLC
INTELLECTUAL PROPERTY DEPT./ MAIL STOP NRW-097
7801 COMPUTER AVENUE SOUTH
BLOOMINGTON, MN 55435

Mail Date: 04/21/2010

Applicant	: Mark B. Johnson	: DECISION ON REQUEST FOR
Patent Number	: 7309888	: RECALCULATION of PATENT
Issue Date	: 12/18/2007	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/375,854	: OF WYETH
Filed	: 03/14/2006	:
		:

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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COOK ALEX LTD
SUITE 2850
200 WEST ADAMS STREET
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Gerhard Siepenkort	: DECISION ON REQUEST FOR
Patent Number	: 7641286	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/375,865	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **39** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days,** whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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LAUSON & TARVER LLP
880 APOLLO STREET
SUITE 301
EL SEGUNDO CA 90245

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JUL 0 6 2009

OFFICE OF PETITIONS

In re Application of	:	
O'Brien et al.	:	
Application No. 11/375,872	:	DECISION ON PETITION
Filed: March 14, 2006	:	
Attorney Docket No. 22200-001	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 27, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a proper and timely manner to the Notice of Non-Compliant Amendment mailed September 15, 2008, which set a 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) were obtained. Accordingly, the above-identified application became abandoned on October 16, 2008. A Notice of Abandonment was mailed April 24, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $810.00 and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

The application file is being referred to Technology Center AU 3634 for appropriate action on the concurrently filed amendment.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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EUSTACE P. ISIDORE
5720 BRITTLYN'S COURT
AUSTIN, TX 78730

COPY MAILED

JAN 08 2010

In re Application of :
Eustace P. Isidore et al :
Application No. 11/375,892 : ON PETITION
Filed: March 15, 2006 :
Attorney Docket No. EPINVENTCORP.001 :

This is a decision on the petition filed January 7, 2010 which is being treated as a petition under 37 CFR 1.313(a), to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

Petitioner requests that the present application be withdrawn from issue for consideration of an IDS filed with petition on January 7, 2010.

37 CFR 1.313(a) states, in part:

> Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h). The petition fee of $130 has been charged to petitioner's credit card.

However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application from issue is necessary. The mere submission of an IDS with the petition does not make withdrawal of the application from issue necessary. There are other avenues open to applicant to have an IDS considered other than by way of petition.

Following the part of 37 CFR 1.313(a) cited above, 37 CFR 1.313(a) goes on to state:

> A petition under this section is not required if a request for continued examination under § 1.114 is filed prior to payment of the issue fee.

The filing of a request for continued examination (RCE) under 37 CFR 1.114 with a submission and the fee set forth in 37 CFR 1.17(e) would have been a proper available option to have the IDS considered. It is well documented that an IDS satisfies the submission requirement under 37 CFR 1.114. *See* MPEP 706.07(h)(II).

For the above reasons, this application will not be withdrawn from issue under the provisions of 37 CFR 1.313(a).

The issue fee in this application was received on December 4, 2009. If the IDS is not favorably considered by the examiner, petitioner may wish to file a petition under 37 CFR 1.313(c)(2).

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.

Any inquiries regarding this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2618 for appropriate action on the IDS filed January 7, 2010.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Eustace P. Isidore
Dillon & Yudell LLP
8911 North Capital of Texas Highway
Suite 2110
Austin, TX 78759

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JUN 26 2006

Director's Office
Group 3700

ERNEST D. BUFF
ERNEST D. BUFF AND ASSOCIATES, LLC.
231 SOMERVILLE ROAD
BEDMINSTER NJ 07921

In re Application of: FRANCO	:	
Appl. No.: 11/375,905	:	DECISION ON PETITION to
Filed: March 15, 2006	:	make SPECIAL under 37 CFR
For: METHOD FOR PERFORMING A NON-INVASIVE BLOOD GAS TEST	:	1.102

This is a decision on the petition filed on April 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 petition to make the application special is DISMISSED.

In support of the petition, petitioner provides: a) the applicable fee; b) a statement regarding restriction; c) a statement that a pre-examination search has been made in Class 73, subclasse1.02, class 128 subclass 204.23, class 204 subclass 433, class 600 subclasses 323, 364 and class 702 subclass 19; 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), (b), (c) and (d) are considered to have been met. However, the petition does not meet the requirements of MPEP § 708.02(VIII) (e).

Regarding the requirement of MPEP § 708.02(VIII)(e), 37 CFR § 1.111 (b) states "[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section." 37 CFR § 1.111 (c) states in part "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in

view of the state of the art disclosed by the references cited or the objections made." Here, each of the independent claims has not been compared with each reference. Petition has recited several steps common to claims 1 and 2 as a basis for patentability over the prior art rather than pointing out how each independent claim distinguishes from each prior art reference. This 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).

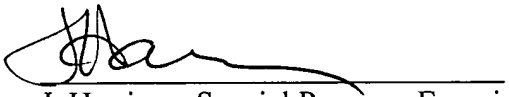
While Technology Center Directors may have granted petitions that do not comply with the detailed discussion requirement of the Accelerated Examination procedure, Technology Center Director decisions on petitions are not binding precedent of the Patent Examining Corps, and the application of an improper 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: a detailed discussion of the references 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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ERNEST D. BUFF
ERNEST D. BUFF AND ASSOCIATES, LLC.
231 SOMERVILLE ROAD
BEDMINSTER NJ 07921

DEC 05 2006

In re Application of: FRANCO	:
Appl. No.: 11/375,905	: DECISION ON PETITION to
Filed: March 15, 2006	: make SPECIAL under 37 CFR
For: METHOD FOR PERFORMING A NON-INVASIVE BLOOD GAS TEST	: 1.102

This is a decision on the August 9, 2006 request for reconsideration of the petition filed on April 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 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). It is noted that the request for reconsideration does not specifically compare each of the cited prior art to the limitations of independent claim 2. However, as the numerous limitations of independent claim 2 appear substantially identical to limitations of independent claim 1, the discussion of each of the cited prior art as applied to claim 1 is construed to also apply to claim 2.

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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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

JUN 23 2010

OFFICE OF PETITIONS

In re Application of	:	
Gordon et al.	:	
Application No. 11/375,931	:	DECISION ON PETITION
Filed: March 15, 2006	:	
Attorney Docket No. 040152-001210US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 21, 2010, 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 proper After-Final Amendment, (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

Further, 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. If 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.

Additionally, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

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 $555.00 extension of time fee submitted with the

petition on April 21, 2010 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.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 3621 for examination in due course.

Joan Olszewski
Petitions Examiner
Office of Petitions

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

BINGHAM McCUTCHEN LLP
Three Embarcadero Center, Suite 1800
San Francisco, California 94111-4067

In re Application of :
Steven Charles Hannibal *et al.* :
Serial No.: 11/375, 972 :
Filed: March 14, 2006 : DECISION ON PETITION
For: **HEARING AID FITTING SYSTEM WITH A CAMERA** : *ACCEPTANCE OF COLOR DRAWINGS*

This is a decision on the petition under 37 CFR §1.84(b)(2) filed January 30, 2007 requesting acceptance of color drawings.

The petition requests that the photographs identified in Figures 1- 4 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(b)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition did not contain the proper language, as stated above in the first paragraph of the specification.

The petition is **DENIED**.

The petitioner may submit a request for reconsideration within **TWO MONTHS** of the date of this decision. Any request for reconsideration should be complete, i.e., include an amendment to the specification as set forth above.

Krista Zele
Special Program Examiner
Technology Center 2600
Communications

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WASHINGTON, DC 20231
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MAY 0 1 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

BINGHAM McCUTCHEN LLP
Three Embarcadero Center, Suite 1800
San Francisco, California 94111-4067

In re Application of :
Steven Charles Hannibal *et al.* :
Serial No.: 11/375, 972 :
Filed: March 14, 2006 : DECISION ON PETITION
For: **HEARING AID FITTING SYSTEM WITH A CAMERA** : *ACCEPTANCE OF COLOR DRAWINGS*

This is a decision on the petition under 37 CFR §1.84(b)(2) filed September 6, 2007 requesting reconsideration of a petition for acceptance of color drawings.

The petition requests that the photographs identified in Figures 1- 4 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(b)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is **GRANTED**.

Krista Zele
Quality Assurance Specialist
Technology Center 2600
Communications

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 05/05/2010

Applicant	: Jan Boese	: DECISION ON REQUEST FOR
Patent Number	: 7620711	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/375,987	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **835** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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

In re Application of :
Gerhard Uwe Schmidt, et al. :
Application No. 11/376,001 : DECISION ON PETITION
Filed: March 14, 2006 : TO WITHDRAW
Attorney Docket No. 11336-1279 (P05043US) : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 15, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others

The request cannot be approved because the practitioner(s) requesting the withdrawal have not certified that they have (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment; (2) deliver to the client or duly authorized representative of the client papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond. The failure to do so may subject the practitioner to discipline. It is also noted that false certification may violate a practitioners' duty under 37 CFR 10.23(b)(4) and (b)(5).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

Attachment: Blank copy of PTOL/SB/83 Form

cc: ROBERT P. HART, ESQ.
HARMAN INTERNATIONAL INDUSTRIES, INCORPORATED
8500 BALBOA BOULEVARD
NORTHRIDGE, CA 91329

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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Mail Date: 05/10/2010

Applicant	: Stephen Allpress	: DECISION ON REQUEST FOR
Patent Number	: 7656943	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/376,002	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **837** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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	: Sang-Hun Choi	: DECISION ON REQUEST FOR
Patent Number	: 7638189	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/376,054	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **186** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BANNER & WITCOFF, LTD.
ATTORNEYS FOR CLIENT NO. 016689
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

Mail Date: 04/21/2010

Applicant	: Yasushi Okabe	: DECISION ON REQUEST FOR
Patent Number	: 7593664	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/376,115	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **349** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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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

Applicant	: Akira Murotani	: DECISION ON REQUEST FOR
Patent Number	: 7577788	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/376,121	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/16/2006	: 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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MICHAEL BEDNAREK
PILLSBURY WINTHROP SHAW PITTMAN LLP
1650 TYSONS BOULEVARD
MCLEAN VA 22102

In re Application of :

CLEVELAND, et al. :
Application No. 11/376,182 : DECISION ON PETITION
Filed: March 16, 2006 : TO WITHDRAW
Attorney Docket No. 523598-0326295(LCT-107) : FROM RECORD
:

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 26, 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 Aslan Baghdadi on behalf of all attorneys of record who are associated with customer No. 00909. All attorneys/agents associated with the Customer Number 00909 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at 571-272-7253.

David Bucci
Petitions Examiner
Office of Petitions

cc: **Dixon Cleveland**
8306 Briar Creek Drive
Annandale, VA 22003-4641

cc: **LC Technologies Inc.**
ATTN : Shari Oley
3955 Pender Drive, Suite 120
Fairfax, VA 22030

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/376,182	03/16/2006	Dixon Cleveland	523598-0326295(LCT-107)

CONFIRMATION NO. 2927

MICHAEL BEDNAREK
PILLSBURY WINTHROP SHAW PITTMAN LLP
1650 TYSONS BOULEVARD
MCLEAN, VA 22102

OC000000020822210

Date Mailed: 10/13/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/26/2006.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

MONICA A GRAVES
OP (571) 272-7253

FORMER ATTORNEY/AGENT COPY

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KASHA LAW LLC
10310 POTOMAC CORNER DRIVE
ROCKVILLE, MD 20850

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OFFICE OF PETITIONS

In re Application of :
Dixon Cleveland, et al. :
Application No. 11/376,182 : ON PETITION
Filed: March 16, 2006 :
Attorney Docket No. 523598-0326295(LCT-107) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 23, 2009, to revive the above-identified application.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of September 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). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is December 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) a proper statement of unintentional delay.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to the 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 2873 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

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

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OFFICE OF PETITIONS

In re Application of :
Tomita, et al. :
Application No. 11/376,219 : DECISION ON PETITION
Filed: March 16, 2006 :
Attorney Docket No. Q93314 :

This is a decision on the petition, filed July 20, 2007, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before May 16, 2007, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed February 16, 2007.

Petitioner asserts that the Notice dated February 16, 2007 was not received.

A review of the written record indicates no irregularity in the mailing of the Notice, and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

1. a statement from practitioner stating that the Notice was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Notice was not received; and
3. a copy of the docket record where the nonreceived Notice would have been entered and docketed had it been received must be attached to and referenced in the practitioner'statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

As petitioner has submitted a completed PTOL-85B, the $1,400.00 issue fee, and the $300.00 publication fee, it is unnecessary to set a new period of response by re-mailing the Notice of Allowance and Notice of Allowability.

After the mailing of this decision, the application will be forwarded to Publication Division for processing into a patent.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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CLEMENT CHENG, ESQ.
17220 NEWHOPE ST. STE. 127
FOUNTAIN VALLEY, CA 92708-4283

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OFFICE OF PETITIONS

In re Application of :
Sun :
Application No. 11/376,257 : ON PETITION
Filed: March 15, 2006 :
Title: VARIABLE GEARED BICYCLE PEDAL :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 27, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a copy of the applicant's driver's license. 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 3611 for action on the merits commensurate with this decision.

Liana Chase
Petitions Examiner
Office of Petitions

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MORRIS MANNING MARTIN LLP
3343 PEACHTREE ROAD, NE
1600 ATLANTA FINANCIAL CENTER
ATLANTA GA 30326

In re Application of	:	
Hsin-Hung Yen et al	:	
Serial No.: 11/376,269	:	PETITION DECISION
Filed: March 15, 2006	:	
Attorney Docket No.: 14972-54497	:	

This is a decision on the PETITION FOR ACCEPTANCE OF COLOR DRAWINGS UNDER 37 CFR 1.84(a)(2). The petition was filed March 15, 2006. Entry of color drawings requires: 1) three sets of the color drawings, 2) a proper amendment to the specification indicating color photographs or drawings are present in the file, and 3) the required fee under 37 CFR 1.17(h).

A review of the application record indicates that the petition meets all of the requirements for acceptance of color drawings. This is not to be construed that all of the drawings are accepted, only that the color drawings are acceptable.

The petition is **GRANTED**.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile transmission at 571-273-8300.

George Elliott
Director, Technology Center 1600

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RUTAN & TUCKER, LLP.
611 ANTON BLVD
SUITE 1400
COSTA MESA CA 92626

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SEP 18 2008

In re Application of :
DONOHO, Bruce A. :
Application No. 11/376,270 : DECISION ON PETITION
Filed: March 14, 2006 : TO WITHDRAW
Attorney Docket No. **100745.0025US** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 18, 2008.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ROBERT FISH**
FISH & ASSOCIATES, PC
2603 MAIN STREET
SUITE 1050
IRVINE, CA 92614

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P.O. Box 1450
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RUTAN & TUCKER, LLP.
611 ANTON BLVD
SUITE 1400
COSTA MESA, CA 92626

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In re Application of :
DONOHO, Bruce :
Application No. 11/376,270 : DECISION ON PETITION
Filed: March 14, 2006 : TO WITHDRAW
Attorney Docket No. **100745.0025US1** : FROM RECORD
:

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 24, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Rutan & Tucker, LLP has been revoked by the applicant of the patent application on October 28, 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: **FISH & ASSOCIATES, PC**
ROBERT D. FISH
2603 MAIN STREET
SUITE 1050
IRVINE CA 92614-6232

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OFFICE OF PETITIONS

In re Patent No. 7,525,604	:	
Jiuzhi Xue	:	DECISION ON
Issue Date: April 28, 2009	:	REQUEST FOR
Application No. 11/376,276	:	RECONSIDERATION OF
Filed: March 15, 2006	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 28262-705.201	:	

This is a decision on the "Request for Reconsideration of Patent Term Adjustment under 37 C.F.R. § 1.705(d)," filed June 22, 2009, requesting that the patent term adjustment determination for the above-identified patent be changed from three hundred twenty-six (326) days to three hundred seventy (370) days.

The request for reconsideration of patent term adjustment is **DISMISSED**.

On April 28, 2009, the above-identified application matured into US Patent No. 7,525,604 with a patent term adjustment of 326 days. This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See 37 C.F.R. § 1.705(d).

The Office acknowledges submission of the $200.00 fee set forth in 37 C.F.R. § 1.18(e). No additional fees are required.

Patentees request recalculation of the patent term adjustment to include a 44-day period of adjustment pursuant to 37 C.F.R. § 1.703(b). Patentees maintain entitlement to a period of adjustment due to the Three Year Delay by the Office, pursuant to 37 CFR § 1.703(b), of 44 days and the period of adjustment due to other examination delay, pursuant to 37 CFR § 1.702(a)(1) of 358 days.

The 44-day period is calculated based on the application having been filed under 35 U.S.C. § 111(a) on March 15, 2006, and the

instant patent issued on April 28, 2009, which is 3 years and 44 days after its filing date.

Under 37 CFR § 1.703(f), Patentees are entitled to a period of patent term adjustment equal to the period of delays based on the grounds set forth in 37 CFR § 1.702 reduced by the period of time equal to the period of time during which Patentees failed to engage in reasonable efforts to conclude prosecution pursuant to 37 CFR § 1.704. In other words, the period of Office delay reduced by the period of applicant delay.

The period of reduction of 32 days for applicant delay is not in dispute.

The period of 358 days for Office delay is not in dispute.

Patentees do not dispute that the total period of Office delay is the sum of the period of Three Years Delay (44 days) and the period of Examination Delay (358 days) to the extent that these periods of delay are not overlapping. However, Patentees contend that no portion of the Three Year Delay period overlaps with the period of 14-month examination delay. Accordingly, Patentees submit that the total period of adjustment for Office delay is 402 days, which is the sum of the period of Three Year Delay (44 days) and the period of Examination Delay (358 days), reduced by the period of overlap (0 days).

As such, Patentees assert entitlement to a patent term adjustment of 370 days (44 + 358 reduced by 0 overlap - 32 (applicant delay)).

The Office agrees that the application issued 3 years and 44 days after its filing date. The Office agrees that a certain action was not taken within the specified time frame, and thus, the entry of a period of adjustment of 358 days for Office delay is correct. At issue is whether Patentees should accrue 44 days of patent term adjustment for the Office taking in excess of three years to issue the patent (44 days less the 0 days of overlap), as well as 358 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that the entire 44-day period overlaps. Patentees' calculation of the period of overlap is inconsistent

with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> to the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

Likewise, 37 CFR 1.703(f) provides that:

> To the extent that periods of delay attributable to the grounds specified in §1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 56366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final*

> *Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004).

The current wording of § 1.703(f) was revised in response to the misinterpretation of this provision by a number of Patentees. The rule was slightly revised to more closely track the corresponding language of 35 U.S.C. 154(b)(2)(A). The relevant portion differs only to the extent that the statute refers back to provisions of the statute whereas the rule refers back to sections of the rule. This was not a substantive change to the rule nor did it reflect a change of the Office's interpretation of 35 U.S.C. 154(b)(2)(A). As stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding 37 C.F.R. § 1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed. The grounds specified in these sections cover the A) guarantee of prompt Patent and Trademark Office responses, B) guarantee of no more than 3 year application pendency, and C) guarantee or adjustments for delays due to interference, secrecy orders and appeals. A section by section analysis of 35 U.S.C. 154(b)(2)(A) specifically provides that:

> Section 4402 imposes limitations on restoration of term. In general, pursuant to [35 U.S.C.] 154(b)(2)(A)-(C), total adjustments granted for restorations under [35 U.S.C. 154](b)(1) are reduced as follows: (1) To the extent that there are multiple grounds for extending the term of a

> patent that may exist simultaneously (e.g., delay due to a secrecy order under [35 U.S.C.] 181 and administrative delay under [35 U.S.C.] 154(b)(1)(A)), the term should not be extended for each ground of delay but only for the actual number of days that the issuance of a patent was delayed; See 145 Cong. Rec. S14,718[1]

As such, the period for over 3 year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames. In other words, consideration of the overlap does not begin three years after the filing date of the application.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the entire period during which the application was pending before the Office, March 15, 2006 to April 28, 2009. 358 days of patent term adjustment were accorded prior to the issuance of the patent for the Office failing to respond within a specified time frame during the pendency of the application. All of the 44 days for Office delay in issuing the patent overlap with the 358 days of Office delay. During that time, the issuance of the patent was delayed by 358 days, not 358 + 44 days. Other than the period of Office delay pursuant to 37 C.F.R. § 1.702(a)(1) which totals 358 days, the Office took all actions set forth in 37 C.F.R. § 1.702(a) within the prescribed timeframes.

Nonetheless, given the initial 358 days of Office delay and the 32 days of applicant delay and the time allowed within the time frames for processing and examination, the patent issued three years and 44 days after its filing date. The Office did not delay 358 days and then an additional 44 days. The 44 days attributed to the delay in the issuance of the patent overlaps with the adjustment of 358 days attributable to the grounds specified in 37 C.F.R. § 1.702(a)(1). Accordingly, at issuance, the Office properly entered no additional days of patent term adjustment for the Office taking in excess of 3 years to issue

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[1] The AIPA is title IV of the Intellectual Property and Communications Omnibus Reform Act of 1999 (S. 1948), which was incorporated and enacted as law as part of Pub. L. 106-113. The Conference Report for H.R. 3194, 106th Cong. 1st Sess. (1999), which resulted in Pub. L. 106-113, does not contain any discussion (other than the incorporated language) of S. 1948. A section-by-section analysis of S. 1948, however, was printed in the Congressional Record at the request of Senator Lott, See 145 Cong. Rec. S14,708-26 (1999)(daily ed. Nov. 17, 1999).

the patent. 358 days is determined to be the actual number of days that the issuance of the patent was delayed, considering the 44 days over three years to the issuance of this patent.

In view thereof, no adjustment to the patent term will be made.

Telephone inquiries specific to this matter should be directed to Paul Shanoski, Senior Attorney, at (571) 272-3225.

C. L. Donnell for

Anthony Knight
Supervisor
Office of Petitions

STATUTE AND REGULATION

35 U.S.C. § 154(b) as amended by § 4402 of the American Inventors Protection Act of 1999[2] (AIPA) provides that:

> ADJUSTMENT OF PATENT TERM. –
>
> (1) PATENT TERM GUARANTEES. –
>
> (A) GUARANTEE OF PROMPT PATENT AND TRADEMARK OFFICE RESPONSES. – Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the Patent and Trademark Office to –
>
> (i) provide at least one of the notifications under section 132 of this title or a notice of allowance under section 151 of this title not later than 14 months after –
>
> (I) the date on which an application was filed under section 111(a) of this title; or
>
> (II) the date on which an international application fulfilled the requirements of section 371 of this title;
>
> (ii) respond to a reply under section 132, or to an appeal taken under section 134, within 4 months after the date on which the reply was filed or the appeal was taken;
>
> (iii) act on an application within 4 months after the date of a decision by the Board of Patent Appeals and Interferences under section 134 or 135 or a decision by a Federal court under section 141, 145, or 146 in a case in which allowable claims remain in the application; or
>
> (iv) issue a patent within 4 months after the date on which the issue fee was paid under section 151 and all outstanding requirements were satisfied, the term of the patent shall be extended 1 day for each day after the end of the period specified in clause (i), (ii), (iii), or (iv), as the case may be, until the action described in such clause is taken.
>
> (B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY. – Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including –

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[2] Public Law 106-113, 113 Stat. 1501, 1501A-557 through 1501A-560 (1999).

(i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

(ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or

(iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

(C) GUARANTEE OR ADJUSTMENTS FOR DELAYS DUE TO INTERFERENCES, SECRECY ORDERS, AND APPEALS. – Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to –

(i) a proceeding under section 135(a);

(ii) the imposition of an order under section 181; or

(iii) appellate review by the Board of Patent Appeals and Interferences or by a Federal court in a case in which the patent was issued under a decision in the review reversing an adverse determination of patentability, the term of the patent shall be extended 1 day for each day of the pendency of the proceeding, order, or review, as the case may be.

(2) LIMITATIONS. –

(A) IN GENERAL. – To the extent that periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

The implementing regulation, 37 CFR § 1.702, provides grounds for adjustment of patent term due to examination delay under the Patent Term Guarantee Act of 1999 (original applications, other than designs, filed on or after May 29, 2000).

(a) Failure to take certain actions within specified time frames. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be

adjusted if the issuance of the patent was delayed due to the failure of the Office to:

(1) Mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 in an international application;

(2) Respond to a reply under 35 U.S.C. 132 or to an appeal taken under 35 U.S.C. 134 not later than four months after the date on which the reply was filed or the appeal was taken;

(b) Failure to issue a patent within three years of the actual filing date of the application. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including[3]:

In pertinent part, 37 CFR § 1.703 provides for calculation of the periods, as follows:

Period of adjustment of patent term due to examination delay.

(a) The period of adjustment under § 1.702(a) is the sum of the following periods:

(1) The number of days, if any, in the period beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first;

(b) The period of adjustment under § 1.702(b) is the number of days, if any, in the period beginning on the day

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[3] (1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);

(2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);

(3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;

(4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or

(5) Any delay in the processing of the application by the Office that was requested by the applicant.

> after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the following periods[4]:

37 CFR 1.703(f) provides that:

> The adjustment will run from the expiration date of the patent as set forth in 35 U.S.C. 154(a)(2). To the extent that periods of delay attributable to the grounds specified in §1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed. The term of a patent entitled to adjustment under § 1.702 and this section shall be adjusted for the sum of the periods calculated under paragraphs (a) through (e) of this section, to the extent that such periods are not overlapping, less the sum of the periods calculated under § 1.704. The date indicated on any certificate of mailing or transmission under § 1.8 shall not be taken into account in this calculation.

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[4] (1) The number of days, if any, in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued;

(2)(i) The number of days, if any, in the period beginning on the date an interference was declared or redeclared to involve the application in the interference and ending on the date that the interference was terminated with respect to the application; and (ii) The number of days, if any, in the period beginning on the date prosecution in the application was suspended by the Office due to interference proceedings under 35 U.S.C. 135(a) not involving the application and ending on the date of the termination of the suspension;

(3)(i) The number of days, if any, the application was maintained in a sealed condition under 35 U.S.C. 181; (ii) The number of days, if any, in the period beginning on the date of mailing of an examiner's answer under § 41.39 of this title in the application under secrecy order and ending on the date the secrecy order was removed; (iii) The number of days, if any, in the period beginning on the date applicant was notified that an interference would be declared but for the secrecy order and ending on the date the secrecy order was removed; and (iv) The number of days, if any, in the period beginning on the date of notification under § 5.3(c) of this chapter and ending on the date of mailing of the notice of allowance under 35 U.S.C. 151; and,

(4) The number of days, if any, in the period beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was filed under 35 U.S.C. 134 and § 41.31 of this title and ending on the date of the last decision by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 U.S.C. 141 or a civil action under 35 U.S.C. 145, or on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first, if the appeal did not result in a decision by the Board of Patent Appeals and Interferences.

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Deborah Katz
USPTO
600 Dulany Street, MDW 917D
Alexandria, VA 22314

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OFFICE OF PETITIONS

In re Application of	:	
Depierris Anne et al.	:	
Application No. 11/376,293	:	DECISION ON PETITION
Filed: March 16, 2006	:	TO WITHDRAW
Attorney Docket No. 03715.0081-02	:	FROM RECORD

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 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 Deborah Katz. Deborah Katz has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There is no outstanding Office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

T Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Finnegan, Henderson, Farabow, Garrett, & Dunner LLP**
901 New York Avenue, NW
Washington DC 20001-4413

UNITED STATES PATENT AND TRADEMARK OFFICE

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OGILVY RENAULT LLP
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL QC H3A2Y-3 CA CANADA

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OFFICE OF PETITIONS

In re Application of :
Michel Blain et al. :
Application No. 11/376,300 : ON PETITION
Filed: March 16, 2006 :
Attorney's Docket No. **4161-249US** :
CMB/AA/tf

This is a decision on the petition filed December 22, 2006 under 37 CFR 1.137(b)[1], to revive the above-identified application.

The petition is **GRANTED**.

The instant application became abandoned on June 13, 2006, for failure to timely reply to the Notice to File Missing Parts, mailed April 10, 2006, which set a two (2) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed December 14, 2006.

The submission of the oath or declaration and late filing fee, as required by the Notice to File Missing Parts mailed April 10, 2006 is acknowledged.

All other requirements having been met , this application is being forwarded to the Office of Initial Patent Examination for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/376,305	03/16/2006	June-Yeob Kim	50643	4049

7590 10/14/2008

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER	
CROW, RONALD K	
ART UNIT	PAPER NUMBER
4127	
MAIL DATE	DELIVERY MODE
10/14/2008	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.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 10/14/2008 BPOWELL
03/17/2006 KBETEMA1 00000080 11376305
02 FC:1111 -500.00 OP
04 FC:1201 -200.00 OP

Refund Ref:
10/14/2008 0030062289

Credit Card Refund Total: $2490.00

Am Exp..: XXXXXXXXXXX1000

Repln. Ref: 10/14/2008 BPOWELL 0013192900
DA#:182220 Name/Number:11376305
FC: 9204 $700.00 CR

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OPTV/MOFO
C/O MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD, SUITE 300
MCLEAN, VA 22102

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OFFICE OF PETITIONS

In re Application of	:	
HUNTINGTON	:	
Application No. 11/376,307	:	DECISION ON PETITION
Filed: March 16, 2006	:	TO WITHDRAW
Attorney Docket No. 523812000600	:	FROM RECORD
	:	

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 01, 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, "Application is being transferred to another attorney," do not meet any conditions set forth in 37 CFR 1040.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

There is no outstanding Office action that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6825.

Patricia Volpe
Petitions Examiner
Office of Petitions

cc: Marc Kaufman, Esq.
Nixon Peabody LLP
401 9th Street, N.W., Suite 900
Washington, D.C. 20004

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OFFICE OF PETITIONS

In re Application of

HUNTINGTON, Matthew
Application No. 10/367,307
Filed: March 16, 2006
Attorney Docket No. **523812000600**

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, 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 Adam Keser on behalf of all attorneys of record who are associated with customer No. 43997. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor.

There are no outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **MATTHEW HUNTINGTON**
396 E. BLITHEDALE AVENUE
MILL VALLEY, CA 94941

cc: **MARC KAUFMAN, ESQ.**
401 9TH STREET, N.W.
WASHINGTON, D.C. 20004

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

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FEB 19 2008

OFFICE OF PETITIONS

In re Patent of :
Nishiwaki, et al. :
Patent No. 7,197,265 : ON PETITION
Issued: March 27, 2007 :
Application No. 11/376,315 :
Filed: March 16, 2006
Attorney Docket No. 112835.02

This is a decision on the petition under 37 CFR 1.59 filed October 10, 2006, requesting the Office expunge a portion of the application file.

The petition is **dismissed as moot**.

Petitioner requests the removal of a response to a May 18, 2006 Quayle Action, filed on July 7, 2006.

Relief under 37 CFR 1.59(b) may be granted if certain criteria are met.

(1) The information to be expunged must not be part of the original disclosure. The original disclosure consists of elements such as the written specification, claims, and drawings. In certain circumstances, a preliminary amendment will be considered part of the original disclosure.

(2) The information to be expunged must not be material information under 37 CFR 1.56.[1]

(3) The Office must have sufficient time to expunge the material prior to issuance of the application as a patent.

(4) The petition must state the information was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted.

---

[1] "Materiality is not limited to prior art but embraces *any* information that a reasonable examiner would be substantially likely to consider important in deciding whether to allow an application to issue as a patent." Bristol-Myers Squibb Co. v. Rhone-Poulenc Rorer, Inc., 326 F.3d 1226, 1234, 66 USPQ2d 1481, 1486 (Fed. Cir. 2003) (emphasis in original) (finding article which was not prior art to be material to enablement issue).

(5) The information must not have already been made public.
(6) Petitioner must commit to retaining the information for the period of any patent with regard to which such is submitted.
(7) Petitioner must pay the petition fee.

In addition to the requirements above, if the information to be expunged was not submitted under the provisions discussed in MPEP § 724, the Office may impose additional requirements. As stated in MPEP 724.05(II), " A request to expunge information that has not been clearly identified as information that may be later subject to such a request by marking and placement in a separate sealed envelope or container shall be treated on a case-by-case basis."

This application matured into a patent on March 27, 2007. While the Notice of Allowability states that the October 10, 2006 amendment was considered by the examiner (no mention of the July 7, 2006 filing), it appears that the corrected drawings filed on July 7, 2006 were used when the patent was printed. It is noted that petitioner originally requested that the July 7, 2006 be withdrawn from consideration, which ***is*** possible without a petition to expunge.

In light of the above, the petition is dismissed as moot and the $200.00 petition fee will be credited to deposit account no. 15-0461.

The application file will be returned to Files Repository.

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) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA, VA 22182

Mail Date: 04/20/2010

Applicant	: Seok-Hwan Hwang	: DECISION ON REQUEST FOR
Patent Number	: 7582366	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/376,323	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **652** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 & PORTER LLP
ATTN: IP DOCKETING DEPT.
555 TWELFTH STREET, N.W.
WASHINGTON, DC 20004-1206

Mail Date: 04/20/2010

Applicant	: Toni Voelker	: DECISION ON REQUEST FOR
Patent Number	: 7566813	: RECALCULATION of PATENT
Issue Date	: 07/28/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/376,328	: OF WYETH
Filed	: 03/16/2006	:
		:

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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BARRY W. CHAPIN, ESQ.
CHAPIN INTELLECTUAL PROPERTY LAW, LLC
WESTBOROUGH OFFICE PARK
1700 WEST PARK DRIVE, SUITE 280
WESTBOROUGH, MA 01581

Mail Date: 04/20/2010

Applicant	: Norman A. Stratton	: DECISION ON REQUEST FOR
Patent Number	: 7589750	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/376,354	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **758** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BUCHALTER NEMER
18400 VON KARMAN AVE.
SUITE 800
IRVINE CA 92612

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OFFICE OF PETITIONS

In re Application of	:	
Miller et al.	:	
Application No. 11/376,367	:	DECISION ON PETITION
Filed: March 15, 2006	:	
Attorney Docket No. P9450-0111	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 29, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed January 28, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the application became abandoned on April 29, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $770.00, and (3) an adequate statement of unintentional delay.

Additionally, 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 $525.00, three month extension of time fee submitted with on September 29, 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.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to Technology Center AU 2841 for appropriate action by the Examiner in the normal course of business on the reply received.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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Buchalter Nemer
18400 Von Karman Avenue
Suite 800
Irvine, CA 92612

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MAY 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
William Miller	:	
Application No. 11/376,367	:	DECISION ON
Filed: March 15, 2006	:	PETITION TO WITHDRAW
Attorney Docket No. P9450-0111	:	FROM RECORD
	:	

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 16, 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 Sandra P. Thompson on behalf of attorney/agents associated with customer number 62993. All attorneys/agents associated with customer number 62993 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

A change of correspondence address was filed on March 27, 2009. All future correspondence will be mailed to that address as requested. The address of record 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: David S. Safran
Sixbey, Friedman, Leedom & Ferguson
2010 Corporate Ridge
Suite 600
McClean, VA 22102

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/376,367	03/15/2006	William Miller	P9450-0111

CONFIRMATION NO. 3279

62993
BUCHALTER NEMER
18400 VON KARMAN AVE.
SUITE 800
IRVINE, CA 92612

POWER OF ATTORNEY NOTICE

OC000000035881479

Date Mailed: 05/08/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/16/2008.

- 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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1009 Think Place
Building One, 4th Floor 4B6
Morrisville, NC 27560

Mail Date: 04/21/2010

Applicant	: John K. Langgood	: DECISION ON REQUEST FOR
Patent Number	: 7643288	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/376,376	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **705** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET, NW
WASHINGTON DC 20005

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JUN 12 2009

OFFICE OF PETITIONS

In re Application of	:	
Oytun TURK, et al	:	
Application No. 11/376,377	:	DECISION ON PETITION
Filed: March 14, 2006	:	TO WITHDRAW
Attorney Docket No. 57553.00009.UTL1	:	FROM RECORD
	:	

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, 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 Martin R. Bader on behalf of the attorneys of record associated with Customer No. 36183.

The attorneys of record associated with Customer No. 36183 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 first copied below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: OYTUN TURK
MERKEZ MAH. HANIMEFENDI
SOK. NO. 138B, D:8, SISLI
ISTANBUL, TURKEY

cc: MARTIN B. BADER
P.O. BOX 919092
SAN DIEGO, CA 92191-9092

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/376,377	03/14/2006	Oytun Turk	57553.00009.UTL1

CONFIRMATION NO. 3226

POWER OF ATTORNEY NOTICE

36183
PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15th Street, NW
Washington, DC 20005

Date Mailed: 06/10/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/13/2009.

- 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.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 04/21/2010

Applicant	: Kathrin Berkner	: DECISION ON REQUEST FOR
Patent Number	: 7599570	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/376,378	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **240** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MYERS & KAPLAN
INTELLECTUAL PROPERTY LAW, L.L.C.
CUMBERLAND CENTER II
3100 CUMBERLAND BLVD , SUITE 1400
ATLANTA, GA 30339

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JUL 25 2008

In re Application of :
Janay S. Jones :
Application No. 11/376,389 : DECISION ON PETITION
Filed: March 15, 2006 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 28140-RA :

This is a decision on the petition, filed January 2, 2008, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing (*See* 37 CFR 1.137(f)).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on March 15, 2007. 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.

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 slightly from the language required by 37 CFR 1.137(b)(3), the statement 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.

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 and/or Notice of Foreign Filing which sets forth the projected publication date of October 30, 2008 accompanies this decision on petition.

This application is being referred to Technology Center Art Unit 3782, for examination in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/376,389	03/15/2006	Janay S. Jones	28140-RA

CONFIRMATION NO. 3234

30184
MYERS & KAPLAN
INTELLECTUAL PROPERTY LAW, L.L.C.
CUMBERLAND CENTER II
3100 CUMBERLAND BLVD , SUITE 1400
ATLANTA, GA 30339

NONPUBLICATION RESCISSION LETTER

Date Mailed: 07/25/2008

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 10/30/2008.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[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".

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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GAUTHIER & CONNORS, LLP
225 FRANKLIN STREET
SUITE 2300
BOSTON MA 02110

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OFFICE OF PETITIONS

In re Patent No. 7,352,458 :
Issue Date: April 01, 2008 :
Application No. 11/376,396 : NOTICE UNDER 37 CFR. 1.28(c)
Filed: March 15, 2006 :
Attorney Docket No. HARVARD.8067 :

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 Michelle R. Eason at (571) 272-4231.

Thurman K. Page

Thurman Page
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

HONEYWELL INTERNATIONAL INC.
PATENT SERVICES
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN NJ 07962-2245

In re Application of	:	
Romney R. Katti	:	ON REQUEST FOR
Patent Number: 7,548,452	:	RECONSIDERATION OF
Issue Date: 06/16/2009	:	PATENT TERM ADJUSTMENT
Application No. 11/376433	:	
Filing or 371(c) Date: 03/15/2006	:	
Attorney Docket Number: H0009505-5866	:	

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT, filed July 6, 2009. Patentee requests that the determination of patent term adjustment be corrected from 213 days to 306 days. Patentees request this correction solely on the basis that the Office took in excess of three years to issue this patent. The request for reconsideration is properly treated as an application for patent term adjustment under 37 CFR §1.705(d).

The request for reconsideration patent term adjustment is **DISMISSED**.

On June 16, 2009, the above-identified application matured into U.S. Patent No. 7,548,452 with a patent term adjustment of 213 days. This application for patent term adjustment was timely filed within two months of the issue date of the patent. See 37 CFR 1.705(d).

Patentees request recalculation of the patent term adjustment in light of the decision in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentees agree with the Office calculation of 294 days of "A delay," reduced by 81 days of Applicant delay. Patentees request an additional 93 days of "B delay," the difference between the June 16, 2009 date of issuance of the patent and the March 15, 2009 3-year anniversary from filing. Patentees provide that there is no overlap between the "A delay" and "B delay."

The 93-day period is calculated based on the application having been filed under 35 U.S.C. 111(a) on March 15, 2006, and issuing on June 16, 2009, three (3) years and 93 days later. Patentees assert that in addition to this 93-day period, they are entitled to a period of adjustment

due to examination delay pursuant to 37 CFR 1.702(a) of 294 days. This 294-day period is the result of a period of delay of 294 days for the failure by the Office to mail at least one of a notification under 35 U.S.C. 132 not later than fourteen months after the date on which application was filed under 35 U.S.C. 111(a), pursuant to 37 CFR 1.702(a)(1).

Under 37 CFR 1.703(f), patentees are entitled to a period of patent term adjustment equal to the period of delays based on the grounds set forth in 37 CFR 1.702 reduced by the period of time equal to the period of time during which patentees failed to engage in reasonable efforts to conclude prosecution pursuant to 37 CFR 1.704. In other words, patentees are entitled to the period of Office delay reduced by the period of applicant delay.

The Office agrees that as of the issuance of the patent on June 16, 2009, the application was pending three years and 93 days after its filing date. The Office agrees that the action detailed above was not taken within the specified time frame, and thus, the entry of a period of adjustment of 294 days is correct. At issue is whether patentees should accrue 93 days of patent term adjustment for the Office taking in excess of three years to issue the patent, as well as 294 days for Office failure to take a certain action within a specified time frame (or examination delay).

The Office contends that the period of 93 days of delay in issuing the patent overlaps with the 294 days of examination delay under 37 CFR 1.702(a). Patentees' calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> To the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

Likewise, 35 CFR 1.703(f) provides that:

> To the extent that periods of delay attributable to the grounds specified in § 1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual

> filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 56366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A),* 69 Fed. Reg. 34283 (June 21, 2004).

The current wording of § 1.703(f) was revised in response to the misinterpretation of this provision by a number of Patentees. The rule was slightly revised to more closely track the corresponding language of 35 U.S.C. 154(b)(2)(A). The relevant portion differs only to the extent that the statute refers back to provisions of the statute whereas the rule refers back to sections of the rule. This was not a substantive change to the rule nor did it reflect a change of the Office's interpretation of 35 U.S.C. 154(b)(2)(A). As stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding § 1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed. The grounds specified in these sections cover the A) guarantee of prompt Patent and Trademark Office responses, B) guarantee of no more than 3-year application pendency, and C) guarantee or adjustments for delays due to interference, secrecy orders and appeals. A section by section analysis of 35 U.S.C. 154(b)(2)(A) specifically provides that:

> Section 4402 imposes limitations on restoration of term. In general, pursuant to [35 U.S.C.] 154(b)(2)(A)-(C), total adjustments granted for restorations under [35 U.S.C. 154](b)(1) are reduced as follows: (1) To the extent that there are multiple grounds for extending the term of a patent that may exist simultaneously (e.g., delay due to a secrecy order under [35 U.S.C.] 181 and administrative delay under [35 U.S.C.] 154(b)(1)(A)),

> the term should not be extended for each ground of delay but only for the actual number of days that the issuance of a patent was delayed; See 145 Cong. Rec. S14,718[1]

As such, the period for over three-year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames. In other words, consideration of the overlap does not begin three years after the filing date of the application.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(1)(A) is the entire period during which the application was pending before the Office, March 15, 2006, to the date the patent issued on June 16, 2009. Prior to the issuance of the patent, 294 days of patent term adjustment were accorded for the Office failing to respond within a specified time frame during the pendency of the application. All of the 93 days for Office delay in issuing the patent overlap with the 294 days of Office examination delay. During that time, the issuance of the patent was delayed by 294 days, not 93 days + 294 days. The Office took 14 months and 294 days to issue a first Office action. Otherwise, the Office took all actions set forth in 37 CFR 1.702(a) within the prescribed timeframes. Nonetheless, given the initial 294 days of Office examination delay and the time allowed within the time frames for processing and examination, the application issued three years and 294 days after its filing date. The Office did not delay 93 days and also delay an additional 294 days. Accordingly, 294 days of patent term adjustment was properly entered because the period of delay of 93 days attributable to the delay in the issuance of the patent overlaps with the adjustment of 294 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), submitted November 23, 2009. No additional fees are required.

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.

Applicant is further advised that, in patented files: requests for changes of correspondence address, powers of attorney, revocations of powers of attorney, withdrawal of attorney and

---

[1] The AIPA is title IV of the Intellectual Property and Communications Omnibus Reform Act of 1999 (S. 1948), which was incorporated and enacted as law as part of Pub. L. 106-113. The Conference Report for H.R. 3194, 106th Cong. 1st Sess. (1999), which resulted in Pub. L. 106-113, does not contain any discussion (other than the incorporated language) of S. 1948. A section-by-section analysis of S. 1948, however, was printed in the Congressional Record at the request of Senator Lott, See 145 Cong. Rec. S14,708-26 (1999)(daily ed. Nov. 17, 1999).

submissions under 37 CFR 1.501: Designation of, or changes to, a fee address, should be addressed to Mail Stop M Correspondence.

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

CC: McDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60611

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CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210

Mail Date: 05/03/2010

Applicant	: Manik Taneja	: DECISION ON REQUEST FOR
Patent Number	: 7647417	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/376,439	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **671** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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SYNTHES
1302 WRIGHTS LANE EAST
WEST CHESTER, PA 19380

Mail Date: 04/21/2010

Applicant	: Gregor Feigenwinter	: DECISION ON REQUEST FOR
Patent Number	: 7601175	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/376,469	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **745** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days,** whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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/PANGRLE
Patent Services
101 Columbia Road
Morristown, NJ 07962-2245

Mail Date: 04/20/2010

Applicant	: Lorrain Sausse	: DECISION ON REQUEST FOR
Patent Number	: 7647772	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/376,476	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

K&L Gates LLP
P.O. Box 1135
CHICAGO IL 60690

In re Application of :
Baerlocher :
Application No. 11/376,497 :
Filed: March 15, 2006 :
Atty Docket No. 3718611-03091 :

ON PETITION
FOR
PATENT TERM
ADJUSTMENT

This letter is in response to the "LETTER REGARDING PATENT TERM ADJUSTMENT AT ALLOWANCE PURSUANT TO COMMENT 43 OF THE FINAL RULE, filed May 26, 2010. Applicant requests that the determination of patent term adjustment be reviewed for accuracy in light of the filing of a Request for Continued Examination (RCE) on November 30, 2009. The letter will be treated as a petition under 37 C.F.R. § 1.705(b).

The request for recalculation of the determination of patent term adjustment (PTA) is **dismissed**.

On March 11, 2010, 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 520 days. On May 26, 2010, applicant submitted the instant correspondence in which applicant requests the patent term adjustment be reduced for the amount of days beginning the date after a reply was filed, November 4, 2009 and ending on the date a RCE was filed, November 30, 2009, to account for Applicant delay.

A review of the application history supports a conclusion that the number of days adjusted for Office delay and the number of days reduced for Applicant delay was correct. A final Office action was mailed on September 4, 2009. On November 3, 2009, applicant filed an amendment after final, which failed to place this application in *prima facie* condition for allowance, as was explained in the November 13, 2009 Advisory Action. On November 30, 2009, applicant filed a RCE. Applicant is informed that for applicant's three month clock to stop in response to a final Office action, the response must be in compliance with 37 CFR

1.113(c). The November 3, 2009 amendment after final was not in compliance with 37 CFR 1.113(c). Therefore, the period for reply continued to run. A proper reply, the RCE, was filed on November 30, 2009, which was within three months of the mailing of the September 4, 2009 final Office action. As such, no reduction for applicant delay is warranted, pursuant to 37 CFR 1.704(b) or 37 CFR 1.704(c)(8), in connection with the filing of a RCE on November 30, 2009.

In view thereof, the revised Patent Term Adjustment remains five hundred twenty (520) days.

The $200.00 fee under 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b) will be charged to deposit account no. 02-1818.

Any request for reconsideration of the patent term adjustment indicated on any future issued patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Shirene Willis Brantley, Senior Petitions Attorney, at (571) 272-3230.

Anthony Knight
Supervisor
Office of Petitions

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/376,500	03/14/2006	Michael J. Aarnio	085.10958-US-AA(03-428-2)

BACHMAN & LAPOINTE, P.C. (P&W)
900 CHAPEL STREET
SUITE 1201
NEW HAVEN CT 06510-2802

DATE MAILED: April 9, 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 April 2, 2007, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Barbara J. Debnam
Pre-Grant Publication Division

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : July 17, 2008

TO SPE OF : ART UNIT 2818

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/376510 Patent No.: 7381662 B1

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within **7** days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

DO NOT SENT TO ATTORNEY

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within **7** days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

/Thao X. Le/ 2892
SPE **Art Unit**

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Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton, NJ 08543-5312

Mail Date: 04/21/2010

Applicant	: Peter Georg Baum	: DECISION ON REQUEST FOR
Patent Number	: 7634031	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/376,530	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **839** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

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OFFICE OF PETITIONS

In re Application of	:	
Liversidge et al.	:	DECISION ON PETITION
Application No. 11/376,553	:	TO WITHDRAW
Filed: March 16, 2006	:	FROM RECORD
Attorney Docket No. 34074.00964	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 9, 2009.

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 Foley and Lardner LLP were revoked by the assignee of the patent application on February 24, 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 the undersigned at 571-272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: FOX ROTHSCHILD, LLP
ELAN PHARMA INTERNATIONAL LIMITED
2000 MARKET STREET
PHILADELPHIA, PA 19103

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

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OFFICE OF PETITIONS

In re Application of
Norbert Euster Gerling et al.
Application No. 11/376,583
Filed: March 15, 2006
Attorney Docket No. 11371/101

: DECISION ON APPLICATION
:FOR PATENT TERM ADJUSTMENT

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT PURSUANT TO 37 C.F.R. § 1.705(b)" filed July 27, 2009. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from zero (0) days to twenty-one (21) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is twenty-one **(21)** days. A copy of the updated PTA calculation, showing the correct determination, is enclosed.

On April 29, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is zero (0) days. On July 27, 2009, applicants timely[1] submitted the instant application for patent term adjustment (with required fee), asserting that the correct number of days of PTA at the time of the mailing of the Notice of Allowance is twenty-one (21) days. Applicants dispute the reduction of thirty-four (34) days attributed to applicant for failing to respond within three months to the non-Final Office Action mailed April 25, 2008.

The Office initially determined a patent term adjustment of zero (0) days based on an adjustment for PTO delay of ninety-four (94) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1) reduced by applicants' delay of one hundred seven (107) days pursuant to 35 U.S.C. 154(b)(2)(C)(ii) and 37 C.F.R. § 1.704(b). The adjustment of 94 days has been reviewed and found to be correct. The reduction of thirty-four (34) days of applicant delay is at issue.

Applicants dispute the reduction of thirty-four (34) days attributed to applicant for failing to respond within three months to the non-Final Office Action mailed April 25, 2008. Applicants argue that the non-Final Office Action mailed April 25, 2008 was withdrawn, was replaced with a second non-Final Office Action mailed July 28, 2008 and the period for reply was restarted.

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[1] PALM records indicate that the Issue Fee was received in the Office on July 27, 2009.

Applicants specifically state that the patent issuing from the application is not subject to a terminal disclaimer.

A review of the application history reveals that applicants are correct. Any delay should be calculated based on the date of the Restarted Response Period and not based on the date of the mailing of the original Office action. As applicant's response was received within three months of the Letter Restarting Period for Response (the re-mailed Office action), there was no applicant delay within the meaning of 37 CFR § 1.704(b).

In view thereof, it is concluded that applicants did not fail to engage in reasonable efforts to conclude processing or examination of the application by delaying in replying to the non-Final Office Action by 34 days. Accordingly, the period of reduction of 34 days is being removed.

The correct patent term adjustment at the time of the mailing of the Notice of Allowance is twenty-one days.

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 for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

/Kery A. Fries/

Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Examination Policy

Enclosure: Copy of Revised PALM Screen

PTA Calculations for Application: 11/376583			
Application Filing Date:	03/15/2006	PTO Delay (PTO):	94
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	107
Post-Issue Petitions:	0	Total PTA (days):	21
PTO Delay Adjustment:	34		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
66	11/03/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	34		
59	04/29/2009	MAIL NOTICE OF ALLOWANCE			
58	04/28/2009	ISSUE REVISION COMPLETED			
57	04/28/2009	DOCUMENT VERIFICATION			
56	04/28/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
55	04/28/2009	CASE DOCKETED TO EXAMINER IN GAU			
54	04/27/2009	NOTICE OF ALLOWABILITY			
53	04/17/2009	DATE FORWARDED TO EXAMINER			
52	04/15/2009	AMENDMENT AFTER FINAL REJECTION		42	46
51	04/15/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
50	03/30/2009	MAIL ADVISORY ACTION (PTOL - 303)			
49	03/25/2009	ADVISORY ACTION (PTOL-303)			
48	02/13/2009	DATE FORWARDED TO EXAMINER			
47	02/04/2009	AMENDMENT AFTER FINAL REJECTION			
46	12/04/2008	MAIL FINAL REJECTION (PTOL - 326)			
45	12/03/2008	FINAL REJECTION			
44	09/23/2008	DATE FORWARDED TO EXAMINER			
43	08/28/2008	RESPONSE AFTER NON-FINAL ACTION		34	39
42	08/28/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
41	07/28/2008	MAIL NOTICE OF RESTARTED RESPONSE PERIOD			
40	07/25/2008	LETTER RESTARTING PERIOD FOR RESPONSE (I.E. LETTER RE: REFERENCES)			
39	04/25/2008	MAIL NON-FINAL REJECTION			

38	04/25/2008	NON-FINAL REJECTION			
37	04/17/2008	DATE FORWARDED TO EXAMINER			
36	04/04/2008	REQUEST FOR CONTINUED EXAMINATION (RCE)		31	28
35	04/17/2008	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
34	04/04/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
33	04/04/2008	WORKFLOW - REQUEST FOR RCE - BEGIN			
32	02/04/2008	MAIL ADVISORY ACTION (PTOL - 303)			
31	02/01/2008	ADVISORY ACTION (PTOL-303)			
30	01/19/2008	DATE FORWARDED TO EXAMINER			
29	01/15/2008	AMENDMENT AFTER FINAL REJECTION			
28	12/04/2007	MAIL FINAL REJECTION (PTOL - 326)			
27	11/29/2007	FINAL REJECTION			
26	10/03/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
25	10/03/2007	REFERENCE CAPTURE ON IDS			
24	10/03/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	22
23	10/10/2007	DATE FORWARDED TO EXAMINER			
22	10/03/2007	RESPONSE AFTER NON-FINAL ACTION			
21	10/03/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	08/17/2007	MAIL NON-FINAL REJECTION	94		-1
19	08/15/2007	NON-FINAL REJECTION			
18	03/15/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
15	08/13/2007	CASE DOCKETED TO EXAMINER IN GAU			
14	06/06/2007	TRANSFER INQUIRY TO GAU			
13	08/30/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
12	03/15/2006	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
11	03/15/2006	REFERENCE CAPTURE ON IDS			
10.7	03/15/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	03/15/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	08/18/2006	APPLICATION DISPATCHED FROM OIPE			

8	08/18/2006	APPLICATION IS NOW COMPLETE			
7	07/27/2006	ADDITIONAL APPLICATION FILING FEES			
6	07/27/2006	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	05/24/2006	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
3	04/28/2006	CLEARED BY OIPE CSR			
2	04/22/2006	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	03/15/2006	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

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JUN 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Lawrence G. NEUMANN, et al	:	
Application No. 11/376,588	:	DECISION ON PETITION
Filed: March 14, 2006	:	TO WITHDRAW
Attorney Docket No. 249212041600	:	FROM RECORD
	:	

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 25, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP, has been revoked by the assignee of the patent application on May 19, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: ROBERT A. SALTZBERG
MORRISON & FOERSTER, LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

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LADAS & PARRY LLP
26 WEST 61TH STREET
NEW YORK, NY 10023

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OFFICE OF PETITIONS

In re Patent No. 7,619,015 :
Issue Date: November 17, 2009 :
Application No. 11/376,607 : ON PETITION
Filed: March 15, 2006 :
Attorney Docket No. U 016203-0 :

This is a decision on the petition filed January 13, 2010, which is being treated as a petition under 37 CFR 3.81(b)[1] to correct the assignee's name on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **granted.**

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3210. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This application is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Irvin Dingle
Petitions Examiner
Office of Petitions

[1] See Official Gazette of June 22, 2004

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FULBRIGHT & JAWORSKI L.L.P
2200 ROSS AVENUE
SUITE 2800
DALLAS, TX 75201-2784

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OFFICE OF PETITIONS

In re Application of
Dan Moran
Application No. 11/376,613
Filed: March 15, 2006
Attorney Docket No. 69831/P001US/10601648

DECISION ON PETITION
TO WITHFRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR 1.36(b) filed February 22, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to the firm of Fulbright & Jaworski LLP (customer no. 29053) has been revoked by the assignee of the patent application on February 8, 2008. Accordingly, the request to withdraw under 37 CFR 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Carl Friedman at 571-272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

Cc: EVERGREEN POINT CAPITAL GROUP INC.
14001 DALLAS PARKWAY, SUITE 1200
DALLAS TX 75240

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CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

Mail Date: 04/21/2010

Applicant	: Charles A. Huizenga	: DECISION ON REQUEST FOR
Patent Number	: 7623042	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/376,620	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: 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.

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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

Mail Date: 04/20/2010

Applicant	: Jeffrey E. Cole	: DECISION ON REQUEST FOR
Patent Number	: 7635136	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/376,621	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/14/2006	: 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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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

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JUL 31 2007

OFFICE OF PETITIONS

In re Application of :
David C. Majercak :
Application No. 11/376,641 : DECISION GRANTING PETITION
Filed: March 15, 2006 : UNDER 37 CFR 1.137(b)
Attorney Docket No. CRD5327USNP :

This is a decision on the petition under 37 CFR 1.137(b), filed March 9, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an executed declaration and surcharge fee; (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 May 19, 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

Karen Creasy
Petitions Examiner
Office of Petitions

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

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MAR 23 2009

OFFICE OF PETITIONS

In re Application of :
Julian SINAI, et al :
Application No. 11/376,658 : DECISION ON PETITION
Filed: March 14, 2006 : TO WITHDRAW
Attorney Docket No. NUAN0013 : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 14, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Blakely, Sokoloff, Taylor & Zafman, LLP., has been revoked by the assignee of the patent application on January 22, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the address indicated below until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: MICHAEL GLENN
GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

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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

Applicant	: Raymond S. DiEsposti	: DECISION ON REQUEST FOR
Patent Number	: 7579986	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/376,681	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **52** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

DATE : 9/15/09 Paper No.: —

TO SPE OF : ART UNIT 1645

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/376696 Patent No.: 7514088B2

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 9D62-B
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
703-756-1591

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: _____

ROBERT MONDESI
SUPERVISORY PATENT EXAMINER

R. Mondesi 1645
SPE **Art Unit**

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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 9261

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OFFICE OF PETITIONS

Applicant: Huotari, et al.
Appl. No.: 11/376,704
Filing Date: March 14, 2006
Title: SELECTIVE DEPOSITION OF NOBLE METAL THIN FILMS
Attorney Docket No.: ASMMC-063US
Pub. No.: 2007/000026654-A1
Pub. Date: February 1, 2007

This is a decision on the requests for a corrected patent application publication under 37 CFR 1.221(b), received on March 14, 2007 and March 26, 2007, for the above-identified application.

The request received on March 14, 2007 is **dismissed**.

The request received on March 26, 2007 is **granted**.

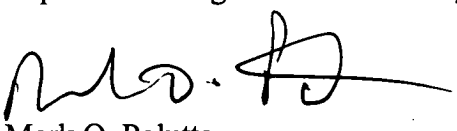
The request received on March 14, 2007 and signed by Fehcia Soria is dismissed, as the paper was not signed in compliance with 37 CFR 1.31-1.34, 37 CFR 10.14, 37 CFR 10.18, and 37 CFR 10.47. Applicant is reminded that only registered practitioners may practice before the Office.

With respect to the paper received on March 26, 2007, Applicant is reminded that 37 CFR 1.4(c) provides "since different matters may be considered by different branches or sections of the United States Patent and Trademark Office, each distinct subject, inquiry or order must be contained in a separate paper to avoid confusion and delay in answering papers dealing with different subjects."

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

The amendment received by the Office on October 10, 2006, which included the incorrect application number and was scanned into this application and published has been removed from the application.

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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TECHNOLOGY CENTER 3600

AKIN GUMP STRAUSS HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

In re application of : **DECISION ON PETITION**
Gregory A. Auxer : **TO MAKE SPECIAL**
Application No. 11/376,715 : **(ACCELERATED**
Filed: March 15, 2006 : **EXAMINATION)**
For: METHOD OF DISPLAYING TRAFFIC INFORMATION ON A WEB PAGE

This is in response to the petition filed on August 31, 2006 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

Since all of the requirements for special status under MPEP § 708.02 VIII have been met, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED.**

Kenneth J. Dorner
Special Programs Examiner
Technology Center 3600
(571) 272-6587

KJD/slb: 10/24/06

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WORLD TRADE CENTER WEST
155 SEAPORT BOULEVARD
BOSTON MA 02210-2604

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JAN 18 2008

OFFICE OF PETITIONS

Applicant: Ball et al.
Appl. No.: 11/376,721
Filing Date: March 15, 2006
Title: POWERED ROPE ASCENDER AND PORTABLE ROPE PULLING DEVICE
Attorney Docket No.: 106337-5
Pub. No.: US2006/0273293-A1
Pub. Date: December 7, 2006

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 28, 2006, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material errors, as claims 13 and 21 have improper claim dependencies.

The request is DISMISSED as moot.

Since the application has already issued as U.S. Patent No. 7,261,278 on August 28, 2007, the request is deemed.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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TECHNOLOGY CENTER 3600

In re application of
Gregory A. Auxer, et al
Application No. 11/376,731
Filed: March 15, 2006
For: RATING THAT REPRESENTS THE STATUS ALONG A SPECIFIED DRIVING ROUTE

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION)

This is in response to the petition filed on August 31, 2006 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

Since all of the requirements for special status under MPEP § 708.02 VIII have been met, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED.**

Kenneth J. Dorner
Special Programs Examiner
Technology Center 3600
(571) 272-6587

KJD/dcg: 11/13/06

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HONEYWELL/CANTOR COLBURN
Patent Services
101 Columbia Road
P.O. Box
Morristown, NJ 07962-2245

Mail Date: 04/20/2010

Applicant	: Laurie A. Gallagher	: DECISION ON REQUEST FOR
Patent Number	: 7585828	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/376,742	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **501** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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NOV 10 2008

In re Application of :
Noy et al. :
Application No. 11/376,750 : DECISION ON PETITION
Filed: March 14, 2006 :
Attorney Docket No. 1014/205 :

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed September 23, 2008, to revive the above-identified application.

The petition under 37 CFR 1.137(a) is **DISMISSED.**

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C.§ 704.

This application became abandoned for failure to timely submit the issue and publication fees, as required by the Notice of Allowance and Fee (s) Due, which was mailed May 22, 2008. The Notice of Allowance and Fee (s) Due and the Notice of Allowability set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on August 23, 2008. A Notice of Abandonment was mailed on September 15, 2008.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (3).

As to item (3), the Office may revive an abandoned application if the delay in responding to the relevant outstanding office requirement is shown to the satisfaction of the Director to have been "avoidable." See, 37 CFR 1.137(a)(3). Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887) (the term "unavoidable" is applicable to ordinary human affairs, and requires no more greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important

business."); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case by case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). A petition to revive an application as unavoidably abandoned cannot be granted where petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2D 1130 (N.D. Ind. 1987).

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner. The statement should also describe the system used for recording an Office action received at the correspondence address of record and establish that the docketing system was sufficiently reliable;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement. If no master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question

Petitioner has failed to meet (3). A copy of a master docket or a statement that a master docket does not exist has not been provided. On petition, petitioner has provided a copy of what appears to be a docket record specifically for the above-identified application. 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.

If petitioner cannot supply the evidence necessary, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Noy et al. :
Application No. 11/376,750 : ON PETITION
Filed: March 14, 2006 :
Attorney Docket No. 1014/205 :

This is a decision on the renewed petition under 37 CFR 1.137(a), filed December 8, 2008, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely pay the issue and publication fees on or before August 22, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed May 22, 2008. Accordingly, the date of abandonment of this application is August 23, 2008. A petition under 37 CFR 1.137(a) was dismissed on November 10, 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 the issue and publication fees; (2) the petition fee of $255; and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable.

This application is being referred to the Office of Data Management for issuance of patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

SoCAL IP LAW GROUP LLP
310 N. WESTLAKE BLVD. STE 120
WESTLAKE VILLAGE, CA 91362

In re Application of
Kenichi Komiya, et al.
Application No. 11/376,776
Filed: March 15, 2006
Attorney Docket No. TT00-P06089US

ON PETITION

This is a decision in response to the petition under 37 CFR 1.182, filed April 25, 2008, requesting expedited consideration of the petition filed March 25, 2008 to accept a substitute translation for the application.

The petition to expedite under 37 CFR 1.182 is **GRANTED**. A decision on the March 25, 2008 petition follows.

A review of the record discloses that application papers were filed in a language other than English on March 15, 2006. Consequently, on April 20, 2006, a Notice to File Missing Parts was mailed, requiring, inter alia, an English translation of the application, the $130 fee set forth in 37 CFR 1.17(i) and a statement that the translation is accurate, within TWO MONTHS to avoid abandonment. In response, on June 19, 2006 applicant submitted replacement drawings, an English translation, the $130 fee for the non-English specification and a verification that the translation is a true and complete translation. It is noted that applicant also submitted an additional $130 for some unknown reason. The application was further processed and forwarded to the Technology Center for appropriate prosecution. On December 28, 2007, a non-final Office action was mailed based on the examination of the English translation submitted on June 19, 2006. The Office action set a shortened statutory period for reply of three (3) months. On March 25, 2008, the present petition was filed under 37 CFR 1.182, wherein petitioner explains that the translation filed June 19, 2006, is not, in fact, a true and accurate translation of the application papers submitted for filing. Petitioner states that the certified translation was accidentally exchanged and filed in error in another application. Accordingly, petitioner requests entry of a substitute translation under the provisions of 37 CFR 1.182.

A petition under 37 CFR 1.182 is directed to situations not specifically provided for in the regulations. Here, there is a mechanism for correcting errors in translations. Specifically, petitioner's attention is directed to MPEP 2163.07, titled Amendments to Application Which Are Supported in the Original Description. See Section II, last paragraph, which states:

> "Where a U.S. application as originally filed was in a non-English language and an English translation thereof was subsequently submitted pursuant to 37 CFR 1.52(d), if there is an error in the English translation, applicant may rely on the disclosure of the

originally filed non-English language U.S. application to support correction of an error in the English translation document."

Of course petitioner is not precluded from filing a continuing application.

The petition filed March 25, 2008 is **DISMISSED AS MOOT**. Consequently, the translation filed June 19, 2006 will not be substituted with the translation filed March 25, 2008.

The application is being referred to Technology Center AU 4193 to await a response to the non-final Office action mailed December 28, 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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SoCAL IP LAW GROUP LLP
310 N. WESTLAKE BLVD. STE 120
WESTLAKE VILLAGE, CA 91362

In re Application of
Kenichi Komiya, et al.
Application No. 11/376,791
Filed: March 15, 2006
Attorney Docket No. TT00-P06090US

ON PETITION

This is a decision in response to the petition under 37 CFR 1.182, filed April 25, 2008, requesting expedited consideration of the petition filed March 25, 2008 to accept a substitute translation for the application.

The petition to expedite under 37 CFR 1.182 is **GRANTED**. A decision on the March 25, 2008 petition follows.

A review of the record discloses that application papers were filed in a language other than English on March 15, 2006. Consequently, on April 20, 2006, a Notice to File Missing Parts was mailed, requiring, inter alia, an English translation of the application, the $130 fee set forth in 37 CFR 1.17(i) and a statement that the translation is accurate, within TWO MONTHS to avoid abandonment. In response, on June 19, 2006 applicant submitted replacement drawings, an English translation, the $130 fee for the non-English specification and a verification that the translation is a true and complete translation. It is noted that applicant also submitted an additional $130 for some unknown reason. The application was further processed and forwarded to the Technology Center for appropriate prosecution. On January 3, 2008, a non-final Office action was mailed based on the examination of the English translation submitted on June 19, 2006. The Office action set a shortened statutory period for reply of three (3) months. On March 25, 2008, the present petition was filed under 37 CFR 1.182, wherein petitioner explains that the translation filed June 19, 2006, is not, in fact, a true and accurate translation of the application papers submitted for filing. Petitioner states that the certified translation was accidentally exchanged and filed in error in another application. Accordingly, petitioner requests entry of a substitute translation under the provisions of 37 CFR 1.182.

A petition under 37 CFR 1.182 is directed to situations not specifically provided for in the regulations. Here, there is a mechanism for correcting errors in translations. Specifically, petitioner's attention is directed to MPEP 2163.07, titled Amendments to Application Which Are Supported in the Original Description. See Section II, last paragraph, which states:

> "Where a U.S. application as originally filed was in a non-English language and an English translation thereof was subsequently submitted pursuant to 37 CFR 1.52(d), if there is an error in the English translation, applicant may rely on the disclosure of the

originally filed non-English language U.S. application to support correction of an error in the English translation document."

Of course petitioner is not precluded from filing a continuing application.

The petition filed March 25, 2008 is **DISMISSED AS MOOT**. Consequently, the translation filed June 19, 2006 will not be substituted with the translation filed March 25, 2008.

The application is being referred to Technology Center AU 4193 to await a response to the non-final Office action mailed January 3, 2008.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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MINTZ LEVIN COHN FERRIS
GLOVSKY AND POPEO PC
ONE FINANCIAL CENTER
BOSTON MA 02111

In re Application of	:	
Novick, et al.	:	
Application No. 11/376,794	:	ON REQUEST FOR
Filed: March 15, 2006	:	RECONSIDERATION OF
Attorney Docket Number: 20993-001C01US	:	PATENT TERM ADJUSTMENT

This is a decision on the petition under 37 CFR 1.705(b), filed January 20, 2010. Applicants believe that the correct total PTA to date is 253 days, not 89 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.

In so far 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[1].

In view thereof, the correct determination of PTA at the time of mailing of the Notice of Allowance is **eighty-nine (89) days** (132 days of PTO delay, reduced by 43 (37+6) days of Applicant delay).

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) has been charged to Deposit Account No. 50-0311, as authorized.

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

[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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HONEYWELL/IFL
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101 Columbia Road
P.O.Box 2245
Morristown, NJ 07962-2245

Mail Date: 04/20/2010

Applicant	: Mario Gonzalez	: DECISION ON REQUEST FOR
Patent Number	: 7659802	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/376,829	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **897** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

In re Application of	:	
Kapur et al.	:	
Application No. 11/376,838	:	ON PETITION
Filed: March 15, 2006	:	
Attorney Docket No. 385063999495	:	

This is a decision on the petition filed August 1, 2006, requesting that the above-identified application be accorded a filing date of March 15, 2006, rather than the presently accorded date of March 16, 2006. The petition is properly treated as a petition under 37 CFR 1.10(d).

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on March 15, 2006 pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. ER 628619943 US, showing an incorrect handwritten "date-in" of "March 16, 2005." The same Express Mail receipt number appears on the original "Utility Patent Application Transmittal." Additionally, applicant has submitted copy of the Track & Confirm record showing that the package in question was accepted on March 15, 2006, at 10:25 p.m. in Houston, TX.

Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on March 15, 2006. Accordingly, the instant application is entitled to a filing date of March 15, 2006, and has been so accorded.

The petition is **GRANTED**.

A petition under 37 CFR 1.10(d) does not require a petition fee and none has been charged.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of** March 15, 2006**, along with a corrected filing receipt.** Thereafter, the matter will be referred to Technology Center 1700 for examination in due course.

Telephone inquiries concerning this matter may be directed Petitions Examiner Liana Chase at (571) 272-3206.

Frances Hicks
Petitions Examiner
Office of Petitions

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COOK, ALEX, McFARRON, MANZO,
CUMMINGS & MEHLER, LTD.
SUITE 2850
200 WEST ADAMS STREET
CHICAGO IL 60606

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OFFICE OF PETITIONS

In re Application of

Seo, et al.

Application No. 11/376,842

Filed: March 16, 2006

Attorney Docket No. 0553-0486

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed February 24, 2010.

The petition is **dismissed**.

This application was held abandoned September 16, 2009, after no reply was received to the non-final Office action mailed June 15, 2009. The notice set forth a shortened statutory period of reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on September 16, 2009. A Notice of Abandonment was mailed December 31, 2009. The instant petition was filed on February 24, 2010. Petitioner maintains that the non-final Office action was never received.

In the instant petition, petitioner maintains that the non-final Office action was never received and that the holding of abandonment should be withdrawn accordingly. USPTO records indicate that the non-final Office action was returned to the USPTO as undeliverable.

A review of the application file history reveals that the non-final Office action was returned to the USPTO in June 29, 2009. It is noted that non-final Office action, and all other actions, have been addressed to the attention of "Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd" , however; the firm cited in the instant petition, and other filings made with the Office, is "Cook Alex, Ltd.". It is also noted that the envelope in which the returned Office action was enclosed indicated that "no such person", i.e., Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd", existed at the address cited.

Petitioner is charged with notifying the Office of any changes to the correspondence address of record, especially material that may result in the mail being returned. Arguably, a change in the name of the firm is one such material change. It is noted the petitioner received prior correspondence mailed to "Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd". This fact, alone, does relieve petitioner of the responsibility to inform the Office of a material change to petitioner's correspondence address.

Title 37 of the Code of Federal Regulations section 1.33(a) and Section 601.03 provides that the applicant must promptly notify the Office of a change in the correspondence address and further states that:

> . . . where an application becomes abandoned as a consequence of a change of correspondence address ...an adequate showing that due care was taken to adhere to the requirement of prompt notification . . . of the change of address. . .and must include an adequate showing that a timely notification of the change of address was filed in the application concerned and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address.

Accordingly, the failure of applicant to receive the non-final Office action does not warrant a withdrawal of the holding of abandonment if petitioner did not promptly notify the Office of the change to the correspondence address for the application. The USPTO is obliged to send correspondence to the firm and address provided by applicant. In this case, it appears that the USPTO sent the correspondence to the address provided by applicant and the correspondence was returned due to no apparent fault on the part of the USPTO, but because applicant did not inform the USPTO that the correspondence address of record was inaccurate. Unless petitioner can establish that the accepted name of the firm is "Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd" and that name of the firm has not changed, withdrawal of the holding of abandonment is not appropriate in this instance; the petition is dismissed accordingly.

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply (already submitted), the required petition fee ($1,620.00 for a large entity and $810.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

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 matter may be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Walker, et al.	:	
Application No. 11/376,868	:	ON APPLICATION FOR
Filed: March 16, 2006	:	PATENT TERM ADJUSTMENT
Docket No. 2200786.121-US2	:	

This is in response to the APPLICATION PATENT TERM ADJUSTMENT AND REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §§ 1.702-1.705, filed January 20, 2010. Applicants submit that the correct patent term adjustment to be indicated on the patent is nine hundred eighty (980) days, not seven hundred twenty-nine (729) 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 patentees are entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the

initial determination of patent term adjustment and a projected issuance date of the patent is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 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.

---

[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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AUSTIN TX 78767-0398

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OFFICE OF PETITIONS

In re Application of	:	
Mark A. Alexander et al.	:	
Application No. 11/376,888	:	DECISION GRANTING PETITION
Filed: March 16, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 5900-01500	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 6, 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 April 2, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 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

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

Mail Date: 04/21/2010

Applicant	: Takeshi Fujitani	: DECISION ON REQUEST FOR
Patent Number	: 7591344	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/376,903	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **212** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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.
11/376,925	03/16/2006	Michael Tittelbach	117163.00165	4316

21324 7590 03/04/2010

HAHN LOESER & PARKS, LLP
One GOJO Plaza
Suite 300
AKRON, OH 44311-1076

EXAMINER	
GANESAN, SUBA	

ART UNIT	PAPER NUMBER
3774	

NOTIFICATION DATE	DELIVERY MODE
03/04/2010	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):

patents@hahnlaw.com
akron-docket@hotmail.com

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HAHN LOESER & PARKS, LLP
One GOJO Plaza
Suite 300
AKRON OH 44311-1076

In re Application of:
TITTELBACH, MICHAEL
Serial No.: 11/376,925
Filed: March 16, 2006
Docket: 117163.00165
Title: SYSTEM FOR TREATMENT OF EXTENSIVE OBLITERATIVE VASCULAR DISEASES

DECISION ON PETITION

This is a decision on the petition filed on October 23, 2009 by which petitioner requests withdrawal of the restriction requirements mailed April 17, 2008 and March 19, 2009, and that non-elected claims 1-6, 11-15 and 20-21 be rejoined and examined on the merits. Claims 22-24 were elected for prosecution. This petition is being considered pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is granted in part.

Prosecution History

A review of the record reveals that on April 17, 2008 a restriction requirement was made between two disclosed and claimed related inventions: I) Claims 1-10, drawn to biocorrodible stent; and II) Claims 11-12, drawn to a method of treatment of extensive obliterative vascular disease. On May 19, 2008, the applicant filed a response to the restriction requirement and elected with traverse, Group II, claims 11-20 for prosecution on the merits. The applicant provided reasoning as to why the restriction requirement was improper. On September 17, 2008, the examiner made the restriction requirement final with the position that the product can be used in body lumens other than lumens with extensive obliterative vascular disease. In particular, the product can be used as a teaching model for a materially different method. In response to the first action of the merits of September 17, 2008, the applicant filed an amendment to the elected claims 11 and 15 and added new claims 21-24 on December 17, 2008. In response to the amendment, the examiner promulgated a second restriction requirement on March 19, 2009. In the restriction, the examiner held there are two patentable distinct species A (Fig.1) and B (Fig.2). On April 20, 2009, the applicant elected Species B, Fig. 2 with traverse and indicated

claims 22-24 readable on the elected species. The applicant believes that examination of all pending method claims would not pose an undue search burden on the examiner. On July 23, 2009, the examiner issued a second action non-final rejecting the elected method claims 22-24. The examiner also made the election of species final in the same Office action of July 23, 2009. On October 23, 2009, petitioner filed the instant petition and argued that the first restriction requirement under MPEP 806.05(h) is improper because the examiner's examples given were not materially different from the claimed product in Group I invention. Petitioner also argued that the second election of species requirement is improper because there is no search burden. Therefore, petitioner believes that the examiner has failed to provide a materially distinct examples to support the restriction requirement between inventions under MPEP § 806.05(h). The examiner failed to properly establish a "serious burden" that could justify the election of species requirement of March 19, 2009.

Discussion and Analysis:

In judging the propriety of the restriction requirement, the related inventions, as claimed, must be shown to be distinct. See MPEP § 802.01. The inventions can be shown to be distinct if either or both of the following can be shown: (A) the process of using as claimed can be practiced with another materially different product; or (B) the product as claimed can be used in a materially different process. The examiner stated that the inventions were distinct because the inventions were related as a product and a process of using in accordance with MPEP 806.05(h)[1]. In the instant application, the distinctness between the claimed inventions was justified as stated in the examiner's restriction requirement of April 17, 2008 in that the product as claimed can be used in a materially different process. In the September 17, 2008 non-final Office action, the examiner stated that the product claims of Group I can be used in body lumens other than lumens with extensive obliterative vascular disease. In addition, the examiner also stated that the claimed product can be used as a teaching model. It is noted that petitioner did not provide any proof that the use of teach model cannot be accomplished. After a careful analysis of the claims under the restriction, at least the example of using the claimed product as a teaching model is a materially different from the claimed process of claims 11 and 22. A comparison of amended elected process claims 11 and 22 and unamended non-elected product claim 1 further reveals that the unamended non-elected product as claimed can be used in another materially different process. By reading the product claim 1, one may certainly use the claimed product for cleaning purposes. For example, a use of the claimed device to apply detergent or active ingredient to clean an interior surface of a dirty bottle or a tube is a materially different process. Restriction under MPEP § 806.95(h) requires only one way example to show distinction. The restriction requirement is considered proper in that the inventions are distinct for the reasons set forth in the restriction requirement dated April 17, 2008 and each invention would involve a separate classification and a different search. With examples setting forth above, the conditions of MPEP § 806.05(h) are met. The restriction requirement of April 17, 2008 stands.

[1] MPEP 806.05(h) [R-3] Product and Process of Using: A product and a process of using the product can be shown to be distinct inventions if either or both of the following can be shown: (A) the process of using as claimed can be practiced with another materially different product; or (B) the product as claimed can be used in a materially different process. The burden is on the examiner to provide an example, but the example need not be documented. If the applicant either proves or provides a convincing argument that the alternative use suggested by the examiner cannot be accomplished, the burden is on the examiner to support a viable alternative use or withdraw the requirement.

With regard to the election of species requirement between Species A and B, petitioner argues that the examiner has failed to establish a serious search burden that could justify the election of species requirement of March 19, 2009. In finding petitioner's points of argument persuasive and after consulting with the examiner, it was agreed that the election of species between Species A and B would be withdrawn. Therefore, the requested relief as to the withdrawal of the election of species requirement is granted.

Conclusion

Based on the analysis of the record, the restriction requirement promulgated in the Office communication dated April 17, 2008 is deemed proper in accordance with MPEP 806.05(h). The restriction between Inventions I and II remains. The election of species between Fig. 1 and Fig. 2 is hereby withdrawn. Since the election of species is withdrawn, the examiner is requested to examine all elected and amended process claims 11-15 and 20-24 and newly added process claims 25-28. The unamended non-elected product claims 1-6 remain withdrawn from consideration. An Office action on the merits including all process claims as amended and added on December 17, 2008 and October 23, 2009 will be forthcoming in due course.

The application is being forwarded to the examiner via the Supervisor Patent Examiner of Art Unit 3774 for preparation of an Office action in response to the Rule 1.111 amendments filed on October 23, 2009. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181".

Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

The petition is Granted in Part.

for

Robert Olszewski, Director
Technology Center 3700

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SHAWN HUNTER
P.O Box 270110
HOUSTON TX 77277-0110

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MAY 10 2007

OFFICE OF PETITIONS

In re Application of :
Shaw and Morgan :
Application No. 11/376,940 : DECISION REFUSING STATUS
Filed: March 16, 2006 : UNDER 37 CFR 1.47(b)
Attorney Docket No. 274-40067-US :

This is in response to the "PETITION UNDER 37 C.F.R. §1.47 FOR FILING BYOTHER THAN ALL THE INVENTORS," filed October 10, 2006, which is being treated as a petition under 37 CFR 1.47(b).[1] Applicants obtained a four-month extension of time to reply. Accordingly, the petition is filed timely.

The petition is **dismissed**.

Applicants are given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the inventors. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

On March 16, 2006, applicant filed the above-identified application without an executed oath or declaration. On April 10, 2006, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application requiring an executed oath or declaration and surcharge.

In response, on October 10, 2006, applicants filed the present petition and a request for a four-month extension of time to reply. In the Declaration of Facts, Jamie Perez asserted that a diligent effort was made to obtain the signatures of the inventors. Additionally, Jamie Perez stated that a complete copy of the application was mailed to the non-signing inventors at their last known addresses via Federal Express; however, neither inventor responded to the request to sign the declaration.

[1] The USPTO did not receive a copy of oath or declaration with the present petition. It appears that Shaw and Morgan are the only inventors named in the present application. As no inventor is available to sign the declaration, the petition is properly treated under 37 CFR 1.47(b). If this incorrect, petitioner should file a renewed petition under 37 CFR 1.47(a) with an oath or declaration executed by at least one joint inventor.

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration; (2) an acceptable oath or declaration; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) proof of irreparable damage. Applicants' petition lacks item (2), (5) and (6) set forth above.

As to item (2), applicants have not submitted an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 37 CFR 1.64. The Office notes that pursuant to Section 409.03(b)(A) of the Manual for Patent Examining Procedure:

> Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP Section 324. An inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. *Staeger v. Commissioner*, 189 USPQ 272 (D.D.C. 1976), *In re Striker*, 182 USPQ 507 (Comm'r Pat. 1973). Where an application is executed by one other than the inventor, the declaration required by 37 CFR 1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor. Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(b).

Applicants must submit a declaration stating the full name, residence, post office address, and citizenship of each inventor. Applicants may leave the inventors' signature lines blank. Additionally, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(b).

As to item (5), applicants did not show or provide proof that Baker Hughes International has sufficient proprietary interest in the subject matter to justify the filing of the application (see MPEP 409.03(f)). Acceptable proof would include a copy of the employment agreement between the non-signing inventors and Baker Hughes, a copy of an assignment agreement showing that the invention disclosed in the application is assigned to Baker Hughes, or a legal memorandum signed by an attorney familiar with the law of the jurisdiction stating that a court of competent jurisdiction would by the weight of authority in that jurisdiction award the title of the invention to Baker Hughes.

As to item (6), applicants failed to provide proof of irreparable damage (see MPEP 409.03(g)). A statement by applicants that the filing is necessary to preserve the rights of the parties would be sufficient.

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) 272-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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HOUSTON TX 77277-0110

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OFFICE OF PETITIONS

In re Application of	:	
Shaw and Morgan	:	DECISION NOTING JOINDER OF
Application No. 11/376,940	:	INVENTORS AND PETITION
Filed: March 16, 2006	:	UNDER 37 CFR 1.47(b) AS MOOT
Attorney Docket No. 274-40067-US	:	

This is in response to the Request for Reconsideration of Petition under 37 CFR 1.47(b), filed September 24, 2007.

In response to the decision dismissing the original petition under 37 CFR 1.47(b), applicants submitted a declaration signed by all of the named inventors in the application. In view of the joinder of the inventors, further consideration under 37 CFR 1.47(b) is not necessary.

Accordingly, the petition is dismissed as involving a moot issue. This application does not have any Rule 1.47(b) status and no such status should appear on the file wrapper. This application does not need to be returned to the Office of Petitions for further consideration under 37 CFR 1.47(b).

This matter is being referred to Technology Center AU 3676 for examination in due course.

Telephone inquiries 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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WATERS LAW OFFICE, PLLC
633 SEVENTH STREET
HUNTINGTON, WV 25701

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APR 10 2006
OFFICE OF PETITIONS

In re Application of	:	
White et al.	:	DECISION ON PETITION
Application No. 11/376,948	:	TO MAKE SPECIAL
Filed: March 17, 2006	:	37 CFR1.102(D)
Attorney Docket No. 267PA0105	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 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 **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 any documentary evidence supporting the claim that the applicant, Larry White, is over the age of 65. Evidence can be in the form of a copy of the applicant's driver's license or birth certificate, or it could be a statement signed by the applicant himself. A statement from the attorney representing the applicant does not constitute proper evidence.

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.

Liana Chase
Petitions Examiner
Office of Petitions

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P.O. Box 1450
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ROBERT R. WATERS, ESQ.
WATERS LAW OFFICE, PLLC
633 SEVENTH STREET
HUNTINGTON WV 25701

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OFFICE OF PETITIONS

In re Application of	:	
White et al.	:	
Application No. 11/376,948	:	ON PETITION
Filed: March 16, 2006	:	
Attorney Docket No. 267PA0105	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 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 copy of Larry White's birth certificate and driver's license. 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 3725 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions

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P.O. Box 1450
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WHYTE HIRSCHBOECK DUDEK S.C./DOW
INTELLECTUAL PROPERTY DEPARTMENT
555 EAST WELLS STREET, SUITE 1900
MILWAUKEE WI 53202

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MAR 24 2010

OFFICE OF PETITIONS

In re Application of :
Stephen M. HOENIG, et al :
Application No. 11/376,956 : DECISION ON PETITION
Filed: March 15, 2006 :
Attorney Docket No. DOW-36262-B :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 12, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before January 11, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed October 9, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on January 12, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the Issue Fee of $1510 and Publication Fee of $300; (2) the petition fee of $1620; and (3) a statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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P.O. Box 1450
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KAGAN BINDER, PLLC
SUITE 200, MAPLE ISLAND BUILDING
221 MAIN STREET NORTH
STILLWATER MN 55082

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OFFICE OF PETITIONS

In re Application of
Collins, et al.
Application No. 11/376,996
Filed: March 15, 2006
Attorney Docket No. FSI0166/US(770US01)

ON PETITION

This decision is mailed in response to the petition under 37 CFR 1.47(a), filed October 30, 2006 (certificate of mailing date October 18, 2006).

The petition is **GRANTED.**

Petitioners have shown that the non-signing inventor, Kader Mekias, has constructively refused to join in the filing of the above-identified application. The statement of facts of Attorney Paul J. Parins establishes that Mr. Mekias was successfully mailed a copy of the application and declaration, but did not return an executed declaration. Petitioners have submitted an acceptable declaration.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette. After the mailing of this decision, the application will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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KADER MEKIAS
3507 PLEASANT VALLEY ROAD
SACHSE, TX 75048

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OFFICE OF PETITIONS

In re Application of :
Collins, et al. :
Application No. 11/376,996 : LETTER
Filed: March 15, 2006 :
Attorney Docket No. FSI0166/US(770US01) :

Dear Mr. Mekias:

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: KAGAN BINDER, PLLC
SUITE 200, MAPLE ISLAND BUILDING
221 MAIN STREET NORTH
STILLWATER MN 55082

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ENERGY CONVERSION DEVICES, INC.
2956 WATERVIEW DRIVE
ROCHESTER HILLS MI 48309

In re Application of :
Ovshinsky et al :
Application No. 11/376,997 : ON PETITION
Filed: March 16, 2006 :
Attorney Dkt No. 2079.1 :
Title: High Throughput Deposition :
Apparatus with Magnetic Support :
:

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AUG 2 8 2006
OFFICE OF PETITIONS

This is a decision on the petition filed June 8, 2006, requesting in effect, the "Notice of Omitted Item(s) in a Nonprovisional Application" ("Notice") be withdrawn, and the above-identified application be accorded a filing date of March 16, 2006 including page 22 of the specification.

The application was filed on March 16, 2006. However, on May 5, 2006, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of March 16, 2006 but page 22 of the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends 49 pages of specification were filed including page 22 on March 16, 2006. In support, the petition is accompanied by a copy of applicants' return postcard which lists " Patent app. Including (specification, claims & abstract on 49 pages) ". The petition is further accompanied by a copy of page 22 of the specification.

Applicants' postcard receipt is prima facie evidence that at least 49 pages of specification (description and claims), including page 22 were received on March 16, 2006, but page 22 is not present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that page 22 of the specification was received on March 16, 2006, as shown in counsel's file, and later misplaced in the office.

The petition is Granted. Deposit account 05-1068 will be refunded the $400.00 petition fee.

The application will be returned to the Office of Initial Patent Examination for further processing with a **filing date of March 16, 2006**, using the papers received on that date and the copy of page 22 of the specification supplied on June 8, 2006.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petition Attorney
Office of Petitions

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BARRY DOVE PATENT SERVICES, INC.
324 RAINTREE DRIVE
COPPELL TX 75019

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SEP 07 2007

OFFICE OF PETITIONS

In re Application of
Shadin Hilton, et al.
Application No. 11/377,001
Filed: March 16, 2006
Attorney Docket No. HSG-001

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed April 13, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The 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, "Barry Dove now works as in-house counsel", 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 undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: SHADIN HILTON & PAMELA SPRAGUE
4911 HAVERWOOD LANE
#2731
DALLAS, TX 75287

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
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GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

Mail Date: 04/21/2010

Applicant	: Garland M. Jewell	: DECISION ON REQUEST FOR
Patent Number	: 7665175	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/377,012	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1014** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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MCDONALD HOPKINS LLC
600 Superior Avenue, East
Suite 2100
CLEVELAND OH 44114-2653

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AUG 0 4 2008

OFFICE OF PETITIONS

In re Application of
Gibler et al.
Application No. 11/377,050
Filed: March 16, 2006
Attorney Docket No. 26151-00017

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed August 16, 2006.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (s) (1) and (2) set forth above.

Pursuant to petitioner's request deposit account no. 13-0265 will be charged the $200.00 petition fee.

As to item (1), rule 47 applicant must demonstrate with documented evidence that an inventor refuses to join in the application after having been presented with the application papers (specification, claims, drawings and oath or declaration). Applicants have presented copies of correspondence mailed to inventor Gillham. Applicants have also provided two unsigned certified mail receipts. It is also noted that the certified mail receipts do not include a postmark. Petitioner states that the correspondence mailed on May 16, 2006, which included a copy of the application papers (specification, claims, drawings, oath, etc.) was returned. Petitioner has failed to present evidence that inventor Gillham ever received the application papers. Although petitioner states the May 16, 2006 mailing was returned, petitioner fails to state why the mailing was returned. Nor has petitioner provided sufficient evidence to establish that the July 13, 2006 mailing was received. If the application papers were not received inventor, his conduct cannot be

construed as refusal. Petitioner has failed to present evidence that the inventor received the application papers.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration **by the party to whom the refusal was made.** Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

To the extent petitioner seeks to make the contention that non-signing inventor cannot be reached or located, petitioner has failed to demonstrate diligent effort was used to locate inventor Gillham. The applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). In this regard, petitioner should, at the very least, conduct a search of the internet. The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d). Additionally, petitioner should state whether he has access to inventor Gillham 's personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? If an address is located, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to Mr. Gillham's address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

As to item (2), the first page of the Declaration does not list all joint inventors and the Declaration does not include page numbers --i.e. 1 of 2; 2 of 2. Instead the Declaration submitted with the present petition identifies each inventor individually on a separate sheet paper without reference to the other joint inventors. Accordingly, a newly executed Declaration is required on renewed petition

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
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By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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BOOTH ALBANESI SCHROEDER LLC
1601 ELM STREET
SUITE 1950
DALLAS TX 75201-4744

MAILED

MAR 23 2009

OFFICE OF PETITIONS

In re Application of :
William Gibler, Richard Lopushansky, Larry :
Jeffers and Federick Gillham :
Application No. 11/377,050 :
Filed: March 16, 2006 :
Attorney Docket No. HAL305-19377

DECISION GRANTING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed January 28, 2009.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor Frederick Gillham cannot be located to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Data Management for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAILED

MAR 23 2009

OFFICE OF PETITIONS

Frederick J. Gillham
7575 Gosling Road
The woodlands, Texas 77381

In re Application of
William Gibler, Richard Lopushansky, Larry Jeffers and Federick Gillham
Application No. 11/377,050
Filed: March 16, 2006
Attorney Docket No. HAL305-19377
For: High Intensity Fabry-Perot Sensor

Dear Mr. Gillham:

You are named as a co-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 co-inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Charlema Grant
Petitions Attorney
Office of Petitions

Cc: BOOTH ALBANESI SCHROEDER LLC
1601 ELM STREET
SUITE 1950
DALLAS TX 75201-4744

UNITED STATES PATENT AND TRADEMARK OFFICE

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BOOTH ALBANESI SCHROEDER LLC
1601 ELM STREET
SUITE 1950
DALLAS TX 75201-4744

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JUN 0 1 2009

OFFICE OF PETITIONS

In re Application of
William N. Gibler et al
Application No. 11/377,050
Filed: March 16, 2006
Attorney Docket No. HAL305-19377

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 June 1, 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 No. 12/365,700, filed February 4, 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.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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WELSH & KATZ, LTD
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO IL 60606

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JUN 05 2006

OFFICE OF PETITIONS

In re Application of :
Binns et al. :
Application No. 11/377,059 : ON PETITION
Filed: March 16, 2006 :
Attorney Docket No. 7574/96815 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 16, 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 Mark Stuart Blumberg'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 3626 for action on the merits commensurate with this decision.

Liana Chase
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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CHICAGO IL 60606

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MAR 2 3 2007

OFFICE OF PETITIONS

In re Application of	:	
Binns et al.	:	
Application No. 11/377,068	:	ON PETITION
Filed: March 16. 2006	:	
Attorney Docket No. 7574-96974	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 16, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a copy of the applicant's birth certificate. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3626 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JASON BELLISSIMO
1770 CHALKDENE GROVE
MISSISSAUGA, ON L4W ZC3 CA CANADA

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JAN 0 8 2008

OFFICE OF PETITIONS

In re Application of :
Jason BELLISSIMO :
Application No. 11/377,081 : DECISION ON PETITION
Filed: March 17, 2006 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 22, 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 May 03, 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 July 04, 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 fees; (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 May 06, 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

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Alexandria, VA 22313-1450
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SEP 0 9 2009

OFFICE OF PETITIONS

QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

In re Application of :
Szepo Hung, et al. :
Application No. 11/377,086 : ON PETITION
Filed: March 15, 2006 :
Attorney Docket No. 060070 :

This is a decision on the petition to expunge assignment records, filed February 27, 2007, under 37 CFR 1.59 (b), that is properly treated under 37 CFR 1.182 and the guidance set forth in MPEP § 323.01(d).

The petition to expunge is **DISMISSED**.

As set forth in MPEP § 323.01(d), a petition to expunge assignment records information can be granted **only** if the petitioner can **prove** (emphases added) that:

(A) the normal corrective procedures outlined in MPEP § 323.01(a) through § 323.01(c) will not provide the petitioner with adequate relief; and
(B) the integrity of the assignment records will not be affected by granting the petition.

The instant petition fails to satisfy both the requirements set forth under (A) and (B) above, and is therefore DISMISSED. Petitioner should note that, in regard to requirement (A), relief could have been obtained under MPEP § 323.01(a) – (b), by following the procedure set forth therein. Petitioners have been provided relief herein through the recordation of the assignment on August 17, 2006, at Reel 018141 and Frame 0673. As for requirement (B), Office policy regarding recordation of assignment documents is directed toward maintaining a complete history of claimed interests in property and, therefore, recorded assignment documents will not be expunged even if subsequently found to be invalid. See In re Ratny, 24 USPQ2d 1713 (Comm'r Pat. 1992). Once a document is recorded with the Assignment Services Division, the Assignment Services Division will not remove the papers from the record relating to that application or patent. See MPEP § 323.01(d).

A petition considered under 37 CFR 1.182 requires a processing fee set forth in 37 CFR 1.17(f), which is currently $400. As the applicants originally submitted $130, the balance of $270 has been charged to the Deposit Account 17-0026, as authorized.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
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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 Ramesh Krishnamurthy at (571) 272-4914.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/377,108	03/15/2006	2825	1000	10050684-1	4	20	3

CONFIRMATION NO. 6017

CORRECTED FILING RECEIPT

OC000000019564558

057299
AVAGO TECHNOLOGIES, LTD.
P.O. BOX 1920
DENVER, CO 80201-1920

Date Mailed: 07/11/2006

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)

Haoran Duan, Corvallis, OR;
Charles Evans, Corvallis, OR;
Michael Alvin Rencher, Corvallis, OR;
James R. Emmert, Corvallis, OR;

Power of Attorney: The patent practitioners associated with Customer Number **057299**.

Domestic Priority data as claimed by applicant

Foreign Applications
If Required, Foreign Filing License Granted: 05/04/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/377,108

Projected Publication Date: 09/20/2007

Non-Publication Request: No

Early Publication Request: No

Title

On-chip test circuit and method for testing of system-on-chip (SOC) integrated circuits

Preliminary Class

716

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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www.usplo.gov

KAREN B. TRIPP
P.O. BOX 1301
HOUSTON, TX 77251-1301

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JUL 14 2008

OFFICE OF PETITIONS

In re Application of :
SHAARPOUR, Mano :
Application No. 11/377,116 : DECISION ON PETITION
Filed: March 16, 2006 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **HALB:031D1** :

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 **DISMISSED.**

The application became abandoned for failure to timely pay the issue and publication fees on or before April 30, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed January 30, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 1, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (1) the required reply (payment of the issue/publication fees).

35 U.S.C. 41(a)(7) and 151 each require payment of the issue fee as a condition of reviving an application abandoned or patent lapsed for failure to pay the issue fee. The filing of a continuing application without payment of the issue fee or any outstanding balance thereof is not an acceptable reply in an application abandoned or patent lapsed for failure to the pay the issue fee or any portion thereof.

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) 272-2991.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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KAREN B. TRIPP
P.O. BOX 1301
HOUSTON, TX 77251-1301

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OFFICE OF PETITIONS

In re Application of :
Mano **SHAAPOUR** :
Application No. 11/377,116 : DECISION GRANTING PETITIONS
Filed: March 16, 2006 : UNDER 37 CFR 1.137(b) AND
Attorney Docket No. **HALB:031D1** : 37 CFR 1.313(c)(2)

This is a decision on the renewed petition, filed August 7, 2008 is being treated as a request under 37 CFR 1.137(b), to revive the above-identified unintentionally abandoned application and a petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue.

The petitions are **GRANTED**.

As to the petition under 37 CFR 1.137(b):

This application became abandoned for failure to timely pay the issue and publication fees on or before April 30, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed January 30, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has submitted (1) payment of the $1440 issue fee and the $300 publication fee, (2) the petition to revive fee of $1540, and (3) an adequate statement of unintentional delay.

As to the petition under 37 CFR 1.313(c)(2):

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) filed May 5, 2008.

The petition fee of $130 to withdraw this application from issue has been charged to petitioners Deposit Account No. 50-0807.

The petition satisfies the requirements of 37 CFR 1.313(c)(2). Accordingly, this application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (RCE).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Monica A. Graves at (571) 272-7253.

This matter is being referred to Technology Center AU 1796 for processing the RCE and for consideration of amendment submitted on May 5, 2008.

Chris Bottorff
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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GUERIN & RODRIGUEZ, LLP
5 MOUNT ROYAL AVENUE
MOUNT ROYAL OFFICE PARK
MARLBOROUGH MA 01752

MAILED

JUL 13 2010

OFFICE OF PETITIONS

In re Application of :
Maged E. Beshai :
Application No. 11/377,128 :
Filed: March 16, 2006 :
Attorney Docket No. NOR-119 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 21, 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 Stanley Hill on behalf of himself. Accordingly, Stanley Hill associated with the above-identified application has been withdrawn.

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.

Currently, there is no outstanding Office action 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

cc: Stanley K. Hill
5950 Grand Pavilion Way, #311
Alexandria, VA 22303

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

012810

Paper No.: _____

DATE : 01/22/10

TO SPE OF : ART UNIT 2824

SUBJECT : Request for Certificate of Correction for Appl. No.: 11377135 Patent No.: 7417913

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

[redacted]

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: NTN - approved 1/25/10.

/Richard Elms/ SPE AU 2824 1/28/10

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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MacPHERSON KWOK CHEN & HEID LLP
1762 TECHNOLOGY DRIVE, SUITE 226
SAN JOSE, CA 95110

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JUL 1 0 2006

OFFICE OF PETITIONS

In re Application of	:	
Sergey N. Bezryadin	:	
Application No. 11/377,161	:	DECISION GRANTING
Filed: March 16, 2006	:	PETITION
Attorney Docket No. M-16222-1P US	:	

This is a decision on the petition filed May 18, 2006, requesting that the above-identified application be accorded a filing date of March 16, 2006, rather than the presently accorded date of March 17, 2006. The petition is properly treated as a petition under 37 CFR 1.10(d).

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on March 16, 2006, pursuant to 37 CFR 1.10. The proffered copy of the Express Mail label, receipt No. EV 861968801 US, bears a handwritten "date-in," which looks like "3-47-06" rather than "3-17-06" and also includes an illegible USPS receipt date stamp, which appears to be March 16, 2006. The petition is also accompanied by a copy of the United States Postal Service Track & Confirm web cite record of the above-noted Express Mail package, which shows March 16, 2006 as the date of acceptance of the Express Mail package in question. Petitioner is alleging that the date of mailing shown in the "date-in" is a U.S. Postal Service (USPS) error and the correct date of mailing pursuant to 37 CFR 1.10 is March 16, 2006, as shown by the Track & Confirm record of the USPS. The same Express Mail label number also appears on the original application transmittal letter and first page of the specification of record in the file.

The evidence presented is convincing that the Express Mail package was entrusted to the USPS on March 16, 2006. Accordingly, this application is entitled to a filing date of March 16, 2006, and has been so accorded.

In view of the above, the petition is **GRANTED**.

This application file is being referred to the Office of Initial Patent Examination (OIPE) for **correction of the filing date to** March 16, 2006 **and for issuance of a corrected filing receipt.**

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3218. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.

Frances Hicks
Petitions Examiner
Office of Petitions

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Leydig, Voit & Mayer Ltd.
Two Prudential Plaza - Suite 4900
180 North Stetson Avenue
Chicago IL 60601-6731

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SEP 28 2007

OFFICE OF PETITIONS

Applicant: Yu et al.
Appl. No.: 11/377,165
Filing Date: March 17, 2006
Title: METHODS OF TREATMENT USING ANTIBODIES TO NEUTROKINE-ALPHA
Attorney Docket No.: PF343P3C7
Pub. No.: US 2006/0198784 A1
Pub. Date: September 7, 2006

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 27, 2006, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication, as there are two errors in the benefit claim wherein "and" improperly appears between two applications and claim 22 improperly omits subpart (b) of the claim.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error in the benefit claim on the front page of the publication is an Office mistake, but it is not a material mistake as required by 37 CFR 1.221(b). The error in the benefit claim on the front page of the publication is not a material mistake as the benefit claim is in the first line of the specification, as required by 37 CFR 1.78. The error in the benefit claim on the front page of the publication is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

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. The first line of the specification contains the proper benefit claim, thus one can read and understand the application and properly use the patent application publication as a prior art reference.

The error noted by requestor in dependent claim 22 is not a material Office error under 37 CFR 1.221. The text was not printed correctly due to the poor quality of the text. The error noted by requestor in the claim is due to the poor quality of the text in application. The text in the specification and claims is extremely small, which makes it difficult to read and reproduce. The quality of the text is poor, as it is extremely small, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52.

Applicant is advised that he may want to file application papers that are clearer, as the errors are due to the quality of the text. The text in application is extremely small and not clear, which makes it difficult to read and to electronically reproduce by digital imaging and optical character recognition. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

Mail Date: 04/21/2010

Applicant	: Arvid Kuhn	: DECISION ON REQUEST FOR
Patent Number	: 7575655	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/377,169	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **722** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

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OFFICE OF PETITIONS

In re Application of :
Hung-Chih Wu, et. al. :
Application No. 11/377,172 : ON PETITION
Filed: March 17, 2006 :
Attorney Docket No. WUHU3005/JJC/PMB :

This is a decision on the petition under 37 CFR 1.137(b), filed December 3, 2008, to revive the above-identified application.

The application became abandoned for failure to file a reply to the non-final Office action mailed on December 28, 2007. A Notice of Abandonment was mailed on September 19, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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 and Correspondence Address Indication Form filed on December 3, 2008 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 1794 for review of the amendment filed with the instant 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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/377,172	03/17/2006	Hung-Chih Wu	BHT-3101-292

CONFIRMATION NO. 6175

POA ACCEPTANCE LETTER

23364
BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

OC000000034203647

Date Mailed: 01/26/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/03/2008.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Jackson Intellectual Property Group PLLC
106 Starvale Lane
Shipman VA 22971

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MAY 10 2010

OFFICE OF PETITIONS

In re Application of
Ju
Application No. 11/377,198
Filed: March 17, 2006
Attorney Docket No. 7015.104

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed on January 29, 2010 and supplemented on March 23, 2010, to revive the above-identified application.

The application became abandoned for failure s to timely pay the issue and publication fees on or before July 9, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed April 9, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 10, 2007.

Petitioner has submitted a proper reply to the April 9, 2007 Notice in the form of the issue fee, publication fee, and completed PTOL-85(b), an acceptable statement of the unintentional nature of the delay in responding to the April 9, 2007 Notice, and the petition fee.

Regarding the statement of the nature of the delay: It is not apparent whether the attorney signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, practitioner 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, practitioner must notify the Office.

All requirements under 37 CFR 1.137(b) being met, the petition is **GRANTED**.

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) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of :
XIAO et al. : DECISION REFUSING STATUS
Application No. 11/377,236 : UNDER 37 CFR 1.47(a)
Filed: 03/15/2006 :
Attorney Docket No. 021653-019300US :

This is in response to the petition under 37 CFR 1.47(a), filed November 22, 2006.

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. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

In the Statement of Facts, Richard T. Ogawa stated that he obtained the last known addresses of Mr. Gary Chen and Mr. Roger Lee from their previous employer, SMIC. Mr. Ogawa indicated that he sent a letter, a declaration, and the patent application as filed to Messrs. Chen and Lee at their respective address, asking them to sign the declaration and return it to him. Mr. Ogawa asserted that based on information retrieved from FedEx's on-line tracking facility, he believed that the packages were delivered to residences of Messrs. Chen and Lee. Nevertheless, Mr. Ogawa stated that the packages were returned by FEDEX. The package to Mr. Lee was returned because the customer not available. The package to Mr. Chen was returned because of an incorrect address. Copies of the letters, printouts of tracking information for FEDEX, and the return receipts accompany the petition.

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 lacks item (1) as set forth above.

As to item (1), the Office notes that applicants have failed to submit sufficient evidence to prove that diligent efforts have been made to locate non-signing inventors. See MPEP 403.03(d).

If attempts to obtain a forwarding address and to locate the non-signing inventors by other means such as through E-mail, telephone, or the Internet fail, then applicants will have provided the necessary proof required under 37 CFR 1.47 that the inventors cannot be reached. Details of the efforts to locate non-signing inventors should be set forth in an affidavit or declaration of facts by a person with firsthand knowledge of the details. Applicants should submit documentary evidence such as the results of an E-mail or Internet search. Furthermore, the Office notes that a brief Internet search indicates that Mr. Chen may reside at 12774 W. GOLDENBROOK CT., BOISE, ID (instead of Cooldenbrook Ct.).

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) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
XIAO et al.
Application No. 11/377,236
Filed: 03/15/2006
Attorney Docket No. 021653-015100US

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed July 27, 2007 (certificate of mailing July 24, 2007).

The petition under 37 CFR 1.47(a) is **granted**.

Petitioners showed that the non-signing inventors either refused or could not be located after diligent efforts to join in the filing of the above-identified application after having been mailed 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 present petition. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Gary Chen
12774 W. Goldenbrook Ct.
Boise ID 83713

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AUG 14 2007

OFFICE OF PETITIONS

In re Application of :
XIAO et al. : LETTER
Application No. 11/377,236 :
Filed: 03/15/2006 :
Attorney Docket No. 021653-015100US :

Dear Mr. Chen:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or (800) 972-6382 (outside the Washington, DC area).

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Cc: TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
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Roger Lee
18, Qing Tong Road, #29-501
Pudong New Area
Shanghai, 201203
PEOPLE'S REPUBLIC OF CHINA

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AUG 14 2007

OFFICE OF PETITIONS

In re Application of :
XIAO et al. :
Application No. 11/377,236 :
Filed: 03/15/2006 :
Attorney Docket No. 021653-015100US :

LETTER

Dear Mr. Lee:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or (800) 972-6382 (outside the Washington, DC area).

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Cc: TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/377,240	03/16/2006	Gerald Deboy	GR98P2088C	3709

24131 7590 06/17/2009
LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER	
ROLAND, CHRISTOPHER M	

ART UNIT	PAPER NUMBER
2893	

MAIL DATE	DELIVERY MODE
06/17/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Laurence A. Greenberg
LERNER GREENBERG STEMER LLP
Post Office Box 2480
Hollywood, FL 33022-2480

In re Application of:
DEBOY, et al.
Serial No.: 11/377,240
Filed: March 16, 2006
Attorney Docket No.: **GR98P2088C**

DECISION ON PETITION
TO WITHDRAW DRAWING OBJECTION

This is a decision on the petition, filed October, 14, 2008, requesting that the drawing objection made in the Office action dated April 9, 2008 be withdrawn.

The petition is **granted.**

Petitioner asserts that the drawings are in compliance with 35 U.S.C. §113 because a person of ordinary skill in the semiconductor arts would not find a drawing necessary for understanding the subject matter of Petitioner's method claim. Petitioner further asserts that the fact of being a method is not a feature of the claims requiring a drawing under 37 C.F.R. §1.83(a), but rather a type of claim, and that each process step would be readily understood by a person of ordinary skill in the art without further illustration. Thus, Petitioner requests that the drawing objection be withdrawn.

Petitioner's arguments are persuasive. Accordingly, the drawing objection in the Office action dated October, 14, 2008 is hereby withdrawn.

Inquiries regarding this decision should be directed to Davienne Monbleau, Supervisory Patent Examiner of Art Unit 2893, at (571) 272-1945.

Richard Seidel, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP
806 SW BROADWAY
SUITE 600
PORTLAND, OR 97205-3335

Mail Date: 04/21/2010

Applicant	: Yoshimoto Matsuda	: DECISION ON REQUEST FOR
Patent Number	: 7621244	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/377,241	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **171** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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PATENT ADMINISTRATOR
KATTEN MUCHIN ROSENMAN LLP
1025 THOMAS JEFFERSON STREET, N.W.
EAST LOBBY: SUITE 700
WASHINGTON, DC 20007-5201

COPY MAILED

MAY 30 2007

OFFICE OF PETITIONS

In re Application of	:	
Huang Tai Guang et al	:	
Application No. 11/377,251	:	ON PETITION
Filed: March 16, 2006	:	
Attorney Docket No. 211552-00071	:	

This is a decision on the petition under 37 CFR 1.137(b), filed December 5, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed April 19, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. Fifth-month extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on November 20, 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

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WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

Mail Date: 04/21/2010

Applicant	: Fei Mao	: DECISION ON REQUEST FOR
Patent Number	: 7601498	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/377,254	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **367** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

Mail Date: 05/18/2010

Applicant : Fei Mao
Patent Number : 7601498
Issue Date : 10/13/2009
Application No: 11/377,254
Filed : 03/16/2006

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **463** 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/377,258	03/17/2006	Hideaki Kushida	287805US8	6877

7590 08/26/2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
CHIN, VIVIAN C	
ART UNIT	**PAPER NUMBER**
2614	
NOTIFICATION DATE	**DELIVERY MODE**
08/26/2009	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.

Patent Publication Branch
Office of Data Management

Refund Ref:
08/27/2009 0032073733

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1009

Adjustment date: 08/27/2009 NFARMER
03/20/2006 FMETEKI1 00000091 11377258
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/377,261	03/16/2006	Tim Clegg	Clegg.Card1	6844

23616 7590 04/02/2008

LAW OFFICES OF CLEMENT CHENG
17220 NEWHOPE STREET #127
FOUNTAIN VALLEY, CA 92708

EXAMINER	
KELLY, RAFFERTY D	

ART UNIT	PAPER NUMBER
2876	

MAIL DATE	DELIVERY MODE
04/02/2008	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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032008

LAW OFFICES OF CLEMENT CHENG
17220 NEWHOPE STREET #127
FOUNTAIN VALLEY, CA 92708

APR -2 2008

In re Application of:
Tom Clegg
Serial No.: 11/377,261
Filed: March 16, 2006
Docket: Clegg.Card1
Title: SLIDE-OUT GIFT CARD

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102

This is a decision on the petition filed on February 8, 2008, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102(d).

The petition to make the application special is DENIED.

Effective August 25, 2006, the accelerated examination procedure outlined under MPEP 708.02.VIII. was replaced by the new accelerated examination procedure outlined in MPEP 708.02(a) and in the Federal Register, vol. 71, No. 122 of June 26, 2006 (71 Fed. Reg. 36323).

To be eligible for accelerated examination under MPEP § 708.02(a) in accordance with 37 C.F.R. § 1.102(d), the following conditions are required:

1. the application is not a reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. the application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

Applications filed prior to August 25, 2006 are not eligible for the accelerated examination program currently in effect. A petition to make special filed on or after August 25, 2006 will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or if it complies with the requirements set forth below. See MPEP 708.02(a).

The application as filed is not eligible for the accelerated examination under MPEP 708.02(a), and in accordance with 37 C.F.R. § 1.102(d) because a grantable petition filed on or after August 25, 2006, and in compliance with the conditions required under MPEP 708.02(a) except for age, health or Patent Prosecution Highway pilot program. The application is not eligible for accelerated examination because conditions 2 and 3 above are not met and the petition must be denied.

For the above-stated reason, the petition is denied.

Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, from the date of this decision in order to be considered timely.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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STEPTOE & JOHNSON, LLP
2121 AVENUE OF THE STARS
SUITE 2800
LOS ANGELES CA 90067

MAILED

APR 14 2009

OFFICE OF PETITIONS

In re Application of :
Bryan M. Kelly :
Application No. 11/277,342 : DECISION ON PETITION
Filed: March 23, 206 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 83336.1393 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed November 26, 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.

The decision mailed October 29, 2008 dismissed the petition filed July 2, 2008 for failure to provide a proper amendment to the specification. The renewed petition includes a proper amendment.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Carl Friedman at (571) 272-6842. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3714 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/277,342	03/23/2006	3714	5530	83336.1393	48	18

CONFIRMATION NO. 4647

CORRECTED FILING RECEIPT

66880
STEPTOE & JOHNSON, LLP
2121 AVENUE OF THE STARS
SUITE 2800
LOS ANGELES, CA 90067

OC00000035460519

Date Mailed: 04/14/2009

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)

Bryan M. Kelly, Alamo, CA;

Power of Attorney: The patent practitioners associated with Customer Number 66880

Domestic Priority data as claimed by applicant

This application is a CON of 10/751,006 12/31/2003
which is a CON of 09/433,523 11/03/1999 PAT 6,758,755
which is a CIP of 09/040,654 03/17/1998 PAT 6,007,426
which is a CON of 08/746,755 11/14/1996 PAT 5,816,918

Foreign Applications

If Required, Foreign Filing License Granted: 04/11/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/277,342**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

NETWORK GAMING SYSTEM

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 AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

Mail Date: 05/11/2010

Applicant	: Kazuhito Enomoto	: DECISION ON REQUEST FOR
Patent Number	: 7637336	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/377,342	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/17/2006	: 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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ATTORNEYS FOR CLIENT NO. 016689
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

Mail Date: 04/21/2010

Applicant	: Sunao Kawai	: DECISION ON REQUEST FOR
Patent Number	: 7664555	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/377,406	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **801** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE NW
WASHINGTON DC 20036

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JUN 0 1 2010

OFFICE OF PETITIONS

In re Patent No. 7,612,171
Friedman et al.
Application No. 11/377,486
Issue Date: November 3, 2009
Filed: March 16, 2006
Attorney Docket No. 16454.0015 D1

: DECISION ON
: REQUEST FOR RECONSIDERATION
: of PATENT TERM ADJUSTMENT
: and
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the petition under 37 CFR 1.705(d), filed December 29, 2009, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by four hundred seventy-eight (478) 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 four hundred seventy-eight (478) 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 Certificate of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **four hundred seventy-eight (478)** days.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Cliff Congo, at (571) 272-3207.

Anthony Knight
Supervisor
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,612,171 B2

DATED : **November 3, 2009**

INVENTOR(S) : Friedman 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 246 days.

Delete the phrase "by 246 days" and insert – by 478 days--

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Harness, Dickey & Pierce, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303

Mail Date: 04/21/2010

Applicant	: Edwin McCall Leiby III	: DECISION ON REQUEST FOR
Patent Number	: 7653117	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/377,491	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **910** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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IBM CORPORATION
INTELLECTUAL PROPERTY LAW
11501 BURNET ROAD
AUSTIN, TX 78758

Mail Date: 04/20/2010

Applicant	: Mark Allman	: DECISION ON REQUEST FOR
Patent Number	: 7580760	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/377,512	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **656** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

Mail Date: 04/26/2010

Applicant	: Michael C. Lohnert	: DECISION ON REQUEST FOR
Patent Number	: 7650651	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/377,525	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **828** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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DILLION & YUDELL LLP
8911 N. CAPITAL OF TEXAS HWY
SUITE 2110
AUSTIN TX 78759

In re Application of	:	DECISION ON
Hatori et al.	:	
Application No.: 11/377,541	:	PETITION UNDER
Attorney's Docket No.: JP920030184US1	:	
For: METHOD AND APPRARATUS... NETWORKS	:	37 CFR 1.47(a)

This is in response to the "DECLARATION UNDER 37 CFR 1.47(a)" filed on 07 August 2006. The petition fee of $200.00 for a petition under 37 CFR 1.47(a) has not been submitted.

DISCUSSION

PETITION UNDER 37 CFR 1.47(a):

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

REFUSAL TO JOIN:

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the **37 CFR 1.47** applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner has not satisfied items (1) - (4) of 37 CFR 1.47(a).

Regarding item (1), petitioner has not provided the complete fee of $200.00 under 37 CFR 1.17(g).

Regarding item (2), although the statement by Mr. Iida states that Mr. Hatori expressly told him over the phone on June 16, 2006 that he refuses to sign the declaration. However, it has not been sufficiently demonstrated that a copy of the application papers were presented to the nonsigning inventor. It is unclear what documents were forwarded to Mr. Hatori because he refers only to description and there is no statement referring to a copy of the application papers (specification, including claims, and drawings) as required under MPEP 409.03(d).

Regarding item (3), petitioner has provided a statement of the last known addresses of the missing inventors.

Regarding requirement (4), petitioner has provided a defective executed composite declaration. The composite declaration is defective because it comprises of 1 sheet of page 1, 3 sheets of page 2. A composite declaration under 37 CFR 1.497(a) and (b) requires that the declaration must be complete and identify each inventor in each set of declarations provided. In this case there appears to be only one set that is complete.

Copies of the same page is not part of a proper declaration since it is considered a composite declaration and each must be a complete declaration with the proper statement and the names of each inventor even though each set of declarations may not have all the signatures of the inventors. Therefore, a proper declaration must consist of individual complete sets of declaration that taken as a whole would have all the required signatures as required under 37 CFR 1.497(a)(3).

Consequently, the petition does not satisfy all the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) 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). Failure to timely file the proper response will result in ABANDONMENT.

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
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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PATTON BOGGS
1660 LINCOLN ST
SUITE 2050
DENVER CO 80264

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AUG 21 2006

OFFICE OF PETITIONS

In re Application of	:	
Moore, Jerry	:	
Application No. 11/377,562	:	ON PETITION
Filed: March 16, 2006	:	
Attorney Docket No. 021865.0101D2US	:	

This is a decision on the petition under 37 CFR §1.102(d), filed March 16, 2006, to make the above-identified application special. The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in M.P.E.P. § 708.02, Section II: Infringement.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

(A) That there is an infringing device or product actually on the market or method in use;

(B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and

(C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition complies with all the above stated requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Petitions Examiner Liana Chase at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3711 for expedited prosecution.

David Bucci
Petitions Examiner
Office of Petitions

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

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AUG 16 2006

OFFICE OF PETITIONS

In re Application of	:	
Kaneko et al.	:	
Application No. 11/377,584	:	
Filed: March 17, 2006	:	ON PETITION
Attorney Docket Number:	:	
Q93808	:	

This is a decision on the "Petition Under 37 CFR § 1.181(f) and § 1.57(a) or, in the Alternative Under § 1.53(e) to be Accorded Filing Date of Application", filed June 13, 2006. The Response is properly treated under 37 CFR 1.53 to accord the application a filing date of March 17, 2006.

The petition is granted.

The application was filed on March 17, 2006. On April 13, 2006, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice"), informing Applicant, *inter alia*, that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant files the instant petition and asserts that, under 37 CFR 1.57(a), the above-identified application incorporated by reference prior Japanese application 2005-205749, filed July 14, 2005.

A review of the Application papers filed on March 17, 2006 reveals that the application included method claims. As stated in MPEP § 601.01(f), it is the practice of the PTO to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an

understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

This application contains method claims; therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g).

In applications filed without all of the drawing figure(s) referred to in the specification, the MPEP § 601.01(g) states that a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification. (Emphasis supplied).

In this instance, a petition is not necessary to add the drawing figures. Applicants may add figure(s) described in the specification on the basis that the drawings are not new matter. New drawings may be entered by the primary examiner without a petition so long as the drawings contain no new matter. See, MPEP § 608.02(a).

In view of the above, the Notice mailed April 13, 2006, was mailed in error and is hereby withdrawn. Further to this, because the application was entitled to a filing date as-filed, there is no need to address incorporation by reference under 37 CFR 1.57(a).

It is also noted that Applicant has included a preliminary amendment with the instant petition.

A refund of the petition fee has been credited to deposit account 19-4880 as authorized in the instant petition.

This application is being forwarded to the Office of Initial Patent Examination, Customer Corrections, for further processing with the filing date of March 17, 2006, and an indication that no drawings were required or present on filing.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Derek L. Woods at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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OFFICE OF PETITIONS

ALFRED M. WALKER
225 OLD COUNTRY ROAD
MELVILLE NY 11747-2712

In re Application of	:	
Richard Badalament	:	
Application No. 11/377,603	:	DECISION ON PETITION
Filed: March 16, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 251113 Badalament-cable s	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 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 the applicant declaring that he is 65 years of age or older along with a copy of his passport. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3632 for action on the merits commensurate with this decision.

Terri S. Williams

Terri Williams
Petitions Examiner
Office of Petitions

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12-1-09

Patent No. : 7,510,344
Ser. No. : 11/377,606
Inventor(s) : Yasuhiro Kondoh
Issued : March 31, 2009

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1583 or 1580

Janet I. Cord
c/o Ladas & Parry LLP
26 West 61st Street
New York, NY 10023

ej

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LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK NY 10023

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APR 27 2010

OFFICE OF PETITIONS

In re Patent No. 7,510,344
Issue Date: March 31, 2009
Application No. 11/377,606
Filed: March 16, 2006
Attorney Docket No. U 016189-8

ON PETITION

This is a decision on the petition filed January 4, 2010, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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Fanelli Strain & Haag PLLC
1455 Pennsylvania Ave., N.W., suite 400
Washington DC 20004

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JAN 15 2010

In re Application of	:	
Wayne Front March	:	DECISION ON PETITION
Application No. 11/377,609	:	TO WITHDRAW
Filed: March 16, 2006	:	FROM RECORD
Attorney Docket No. 085449-0194	:	

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 24, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Michele Simkin 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 correspondence address of record remains unchanged.

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.

Currently, there is no outstanding Office action 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

cc: Michele Simkin
Washington Harbour
3000 K Street NW, Suite 600
Washington, D.C. 20007-5109

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David M. Pitcher
Staas and Halsey LLP
Ste 700
1201 New York Ave
Washington, DC 20005

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AUG 07 2008

OFFICE OF PETITIONS

In re Application of Steudel et al. :
Application No. 11/377,613 : Decision on Petition
Filing Date: March 17, 2006 :
Attorney Docket No. 1186.1040 :

This is a decision on the petition under 37 C.F.R. § 1.182, filed May 8, 2008, which requests that the terminal disclaimer filed on May 6, 2008, be withdrawn.

The petition is **granted.**

The terminal disclaimer filed on May 6, 2008, is withdrawn.

The file is now being forwarded to Technology Center Art Unit 1794 for review of the Notice of Appeal filed August 5, 2008.

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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TOD R NISSLE
PO BOX 55630
PHOENIX, AZ 85078

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AUG 13 2008

In re Application of :
Adam A. Ochoa :
Application No. 11/377,624 : ON PETITION
Filed: March 16, 2006 :
Attorney Docket No. 1191-P-1 :

This is a decision in response to the petition, filed March 31, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed March 20, 2007. A Notice of Abandonment was mailed on September 24, 2007. On March 31, 2008, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of $770; and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 3641 for appropriate action by the Examiner in the normal course of business on the reply received March 31, 2008.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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SEP 20 2007

OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

In re Application of :
Roland RZEHAK :
Application No. 11/377,638 : DECISION ON PETITION
Filed: March 17, 2006 : TO WITHDRAW
Attorney Docket No. 543822022900 : FROM RECORD
:

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 is an outstanding Office action mailed January 22, 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: ROLAND RZEHAK
EISENACHER STRASSE 15
01309 DRESDEN
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
11/377,638	03/17/2006	Roland Rzehak	543822022900

CONFIRMATION NO. 5091

OC000000025560247

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

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.

Diane Goodlow

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100629

DATE : June 29, 2010

TO SPE OF : ART UNIT 2826

SUBJECT : Request for Certificate of Correction on Patent No.: 7,723,712

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

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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	: Ga-Lane Chen	: DECISION ON REQUEST FOR
Patent Number	: 7589912	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/377,698	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **493** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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NOV 16 2006

OFFICE OF PETITIONS

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of :
David Lisonbee et al. :
Application No. 11/377,703 : DECISION ACCORDING STATUS
Filed: March 15, 2006 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 2820-6823US :

This is in response to the petition filed September 7, 2006 under 37 CFR 1.47(a) and supplemented with additional information on September 18, 2006.

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on March 15, 2006 with an unsigned oath or declaration. Accordingly, on April 7, 2006, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, the instant petition under 37 CFR 1.47(a), oaths or declarations signed by all named inventors except joint inventor Hennen, fees and a request for a four month extension of time were filed. The petition argues that joint inventor Hennen refuses to cooperate with the filing of the instant application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition indicates that in a telephone conversation between the attorney of record, John A. Pearce, and Mr. Hennen's legal counsel, Mr. Hennen's legal counsel advised of Mr. Hennen's express refusal to execute the oath or declaration. The petition therefore bears proof that the application papers were presented to Mr. Hennen on March 9, 2006 and that after correspondences mailed to him and to his legal counsel, neither has returned an oath or declaration executed by Mr. Hennen.

The above-identified application and papers have been reviewed and found in

compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Initial Patent Examination for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/337,712	01/24/2006	Hiroyasu Kudo	126657	6168

7590 08/05/2009

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
MICALI, JOSEPH	

ART UNIT	PAPER NUMBER
1793	

MAIL DATE	DELIVERY MODE
08/05/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
08/07/2009 NFARMER 0000168260

CHECK Refund Total: $1200.00

Adjustment date: 08/07/2009 NFARMER
01/25/2006 EAYALEW1 00000058 11337712
02 FC:1111 -500.00 OP
04 FC:1202 -700.00 OP

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BRINKS HOFER GILSON & LIONE/CHICAGO/COOK
PO BOX 10395
CHICAGO, IL 60610

Mail Date: 04/21/2010

Applicant	: Kenneth C. Kennedy II	: DECISION ON REQUEST FOR
Patent Number	: 7637873	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/377,712	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **309** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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LIONE/CHICAGO/COOK
PO BOX 10395
CHICAGO IL 60610

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OFFICE OF PETITIONS

In re Patent No. 7,637,873 :
Issue Date: December 29, 2009 :
Application No. 11/377,712 : DECISION ON PETITION
Filed: March 15, 2006 :
Attorney Docket No. 10000/630 :

This is a decision on the Petition To Correct Assignee Under 37 C.F.R. §3.81(b), filed March 18, 2010, requesting correction on the Title Page of the subject patent to identify the correct assignee's name. A completed Certificate of Correction Form (PTO/SB/44) was submitted.

The petition under 37 CFR 3.81 is **GRANTED**.

Petitioner urges that the present Petition was submitted to correct a typographical error in the assignee's name on the previously submitted PTOL 85B and that such error was inadvertent. Accordingly, petitioner requests, in effect, that a Certificate of Correction (PTO/SB/44) be issued the correct name of the assignee to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The requisite $100.00 fee (Fee Code 1811) as set forth under 37 CFR 1.20(a) was previously submitted. However, the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), was accompanied deposit account authorization to charge any required fees. As such, the fee has been charged as authorized. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form PTO/SB/44 that accompanied the present Petition.

Inquiries related this communication should be directed to Cheryl Gibson-Baylor at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,637,873.

Brian W. Brown
Petitions Examiner
Office of Petitions

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NOVARTIS INSTITUTES FOR BIOMEDICAL RESEARCH, INC.
220 MASSACHUSETTS AVENUE
CAMBRIDGE, MA 02139

Mail Date: 04/21/2010

Applicant	: Rolf Baenteli	: DECISION ON REQUEST FOR
Patent Number	: 7671063	: RECALCULATION of PATENT
Issue Date	: 03/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/377,716	: OF WYETH
Filed	: 03/16/2006	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

Rahman LLC
10025 Governor Warfield Parkway, Suite 110
Columbia MD 21044

In re Application of	:	
ISMAIL et al.	:	
Application No. 11/377,721	:	DECISION ON PETITION
Filed: March 16, 2006	:	
Attorney Docket No. NMI.5005	:	

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed July 21, 2009, to revive the above-identified application.

The petition is **DISMISSED.**

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C.§ 704.

The application became abandoned for failure to 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. Accordingly, the application became abandoned on July 7, 2009.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (3).

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.

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).

The showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). *See* MPEP 711(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay.

Specifically, the application is "unavoidably" abandoned 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.

35 U.S.C. 133 and 151 each require a showing that the "delay" was "unavoidable," which requires not only a showing that the delay which resulted in the abandonment of the application was unavoidable, but also a showing of unavoidable delay until the filing of a petition to revive. See In re Application of Takao, 17 USPQ2d 1155 (Comm'r Pat. 1990). The burden of continuing the process of presenting a grantable petition in a timely manner likewise remains with the applicant until the applicant is informed that the petition is granted. Id. at 1158. Thus, an applicant seeking to revive an "unavoidably" abandoned application must cause a petition under 37 CFR 1.137(a) to be filed without delay (i.e., promptly upon becoming notified, or otherwise becoming aware, of the abandonment of the application).

Therefore, there are three periods to be considered during the evaluation of a petition under 37 CFR 1.137:

(1) the delay in reply that originally resulted in the abandonment;

(2) the delay in filing an initial petition pursuant to 37 CFR 1.137 to revive the application; and

(3) the delay in filing a grantable petition pursuant to 37 CFR 1.137 to revive the application.

Currently, the delay has not been shown to the satisfaction of the Director to be unavoidable for period (1).

Petitioner asserts that the delay in filing a proper reply was caused by the unresolved issue pertaining to whether all of the cited prior art contained in the previously filed PTO-1449 forms had been considered by the Examiner in determining patentability of the Patent Application.

The Application Transmittal form filed concurrently with the instant application on March 16, 2006, indicates that an Information Disclosure Statement (IDS) was filed concurrently therewith along with a PTO Form 1449. A second IDS was filed December 22, 2008, along with a PTO 1449 form that was considered by the examiner and a signed and initialed copy thereof was appended to the Notice of Allowance and Fee(s) Due mailed April 6, 2009. In the Interview Summary mailed July 13, 2009, memorializing the interview held with the petitioner on July 9, 2009, a signed and initialed copy the PTO Form 1449 filed March 16, 2006, was included therewith.

Petitioner's concern "of having a patent issue without full consideration of all prior art deemed material to patentability [that] could result in the determination of invalidity of such an issued patent" is acknowledged. However, petitioner should have availed himself of the alternatives available to have "all prior art deemed material to patentability" considered, instead of delaying the payment of Issue and Publication fees, as was done here. One such alternative that was readily available to the petitioner was to have had the application withdrawn from issuance under the provisions of 37 CFR 1.313, prior to the expiration of the non-extendable, statutory three-month response period set in the Notice of Allowance and Fee(s) Due mailed, April 6, 2009. Another alternative available to the petitioner was to file a Request for Continued Examination (RCE). As the eventual delay in payment of the Issue and Publication fees was therefore avoidable, the delay has not been shown to the satisfaction of the Director to be unavoidable for period (1).

Petitioner's statement (page 2 of the instant petition) "On April 6, 2009, a Notice of Allowance was issued for the Patent Application with a three-month statutory period for response (i.e., the issue fee was due by July 6, 2009)" clearly shows that the petitioner was aware of the requirement to pay the Issue and Publication fees on or before July 6, 2009. Furthermore, petitioner states on page 4 of the instant petition, "Because of the unresolved issue pertaining to whether all of the cited prior art contained in both PTO-1449 Forms had been considered by the Examiner in determining patentability of the Patent Application, the issue fee was not paid by the statutory 3-month date of July 6, 2009" (emphases added). These two statements by the petitioner appear to suggest that the decision to delay the payment of the Issue fee was intentional. An

intentional delay precludes revival under 37 CFR 1.137(a) ("unavoidable" delay) or 37 CFR 1.137(b) ("unintentional" delay). See In Re Maldague, 10 USPQ2d at 1478.

Petitioner's statements concerning the telephonic conversations with the Supervisory Examiner have been considered. 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 action(s).

Under the circumstances, petitioner has not carried his burden of proof to show that the delay was unavoidable as required by statute and by regulations of the Office. Petitioner is reminded that a petition to revive an application under 37 CFR 1.137(a) cannot be granted where a petitioner has failed to meet his burden of establishing unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). Haines v. Quigg, *supra*.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to Ramesh Krishnamurthy at (571) 272-4914.

Anthony Knight
Supervisor,
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/377,730	03/17/2006	Shunpei Yamazaki	740756-2932	5861

22204 7590 07/28/2008

NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON, DC 20004-2128

EXAMINER	
TUROCY, DAVID P	
ART UNIT	**PAPER NUMBER**
1792	
MAIL DATE	**DELIVERY MODE**
07/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

wk

Mailed: 7-28-08

In re application of : DECISION ON
Yamazaki et al. : PETITION
Serial No. 11/377,730 :
Filed: 03/17/2006 :
For: FILM-FORMING APPARATUS METHOD OF CLEANING THE SAME, AND METHOD OF MANUFACTURING A LIGHT-EMITTING DEVICE :

This is a decision on a PETION filed July 3, 2008, which has been accepted as a timely petition under 1.59(b) and MPEP 724.02 and is before the Group Director of Technology Center for consideration.

DECISION

Petitioner requests that the EFS ID 3511156, submitted on June 24, 2008 be expunged. Each of the criteria for granting the request has been satisfied, see the MPEP 724.05.

The petition is **GRANTED.**

Section 1.59 has been amended to eliminate references to returning documents that have been expunged to recognize that, with electronic Official files, there will be nothing to return when a paper is expunged.

The Office is capturing electronic images of all documents that form the Official file. Where the image is generated from a physical source document, the originating document may be disposed of once the electronic image accuracy is verified. The paper source document will eventually be destroyed under a United States National Archives and Records Administration (NARA) approved schedule. Therefore, if a document is to be expunged from the record, the only operation that will be required will be removal of the image from the Official file.

Paragraph (a)(1) of §1.59 has been amended by deleting the phrase ''and returned '' from the first sentence, and deleting the second sentence. Paragraph (b) of §1.59 has been amended by deleting the phrase ''and return '' from each of the first and second sentences. The Office will continue to provide notice in the Official file that a paper has been expunged and the Office will send a decision to the applicant notifying the applicant that the paper has been expunged.

The images will be removed from the Official file.

Jacqueline M. Stone

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

David B. Hardy
NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON DC 20004-2128

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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Byrne Poh LLP
11 Broadway, Ste 865
New York, NY 10004

Mail Date: 04/21/2010

Applicant	: Kshitiz Garg	: DECISION ON REQUEST FOR
Patent Number	: 7660517	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/377,743	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **846** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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
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GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Hidaki Takizawa	: DECISION ON REQUEST FOR
Patent Number	: 7575960	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/377,754	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: ——

DATE : 10/21/08

TO SPE OF : ART UNIT 1796

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/377757 Patent No.: 7424891B2

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**. 1st item only

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

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 CHANGES ARE APPROVED.

Brian P. Mruk 11/4/08

SPE 1796 Art Unit

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APR 14 2010

OFFICE OF PETITIONS

HARNESS DICKEY & PIERCE PLC
PO BOX 8910
RESTON VA 20195

In re Application of :
Jesse Sheridan :
Application No. 11/377,764 : ON PETITION
Filed: March 16, 2006 :
Attorney Docket No. 15523-000099/US :

This is in response to petition to revive an unintentionally abandoned application under 37 CFR 1.137(b), filed February 4, 2010.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper response to the final Office action, mailed May 29, 2009, which set a shortened statutory period for reply of three months. Applicant filed an Amendment on September 22, 2009, made timely by obtaining a one month extension of time. However, by Advisory Action mailed November 9, 2009, the Examiner informed Applicant that the Amendment would not be entered because it failed to place the application in condition for allowance. No further reply having been received, the application became abandoned on September 30, 2009. The Office mailed a Notice of Abandonment on January 13, 2010.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of an RCE.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application is being forwarded to Group Art Unit 2169 for consideration of the RCE, filed February 4, 2010.

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3207.

Cliff Congo
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
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THE WEBB LAW FIRM PC
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

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MAY 17 2010

OFFICE OF PETITIONS

In re Application of :
Aliyev, et al. :
Application No. 11/377,774 : ON PETITION
Filed: March 16, 2006 :
Attorney Docket No. 5809-100122 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed March 5, 2010.

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 September 7, 2007. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on December 8, 2007. The Office mailed a Notice of Abandonment on April 18, 2008.

With the instant petition, applicants made the proper statement of unintentional delay, paid the petition fee, and filed the required reply in the form of an Amendment.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application is being forwarded to Group Art Unit 2826 for consideration of the Amendment, filed March 5, 2010.

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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Diamond Innovations
6325 Huntley Road
Worthington OH 43229

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MAY 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Timothy Francis Dumm, et al.	:	
Application No. 11/377,777	:	DECISION GRANTING PETITION
Filed: March 16, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 128346.43101	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 12, 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 April 29, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 1791 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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PCE INDUSTRY, INC.
ATT. Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY, CA 91789

Mail Date: 04/23/2010

Applicant	: Zhou-Quan Zuo	: DECISION ON REQUEST FOR
Patent Number	: 7660560	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/377,790	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **995** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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OFFICE OF PETITIONS

Ted Paulding
10 Penwood Lane
Wethersfield, CT 06109

In re Application of :
Rocky, et al. :
Application No.: 11/377,809 : ON PETITION
Filed: March 15, 2006 :
Attorney Docket No:3135-28 :

This is in response to the petition under 37 CFR 1.137(b) filed August 9, 2007.

The petition under 37 CFR 1.137(b) is **granted**.

A "Notice to File Corrected Application Papers" (the "Notice") was mailed by the Office on May 5, 2006, allowing a shortened period of reply of two-months from its mailing date. Extensions of time set for reply were available pursuant to 37 CFR 1.136(a). The Notice required replacement drawings to be filed and payment of a surcharge and additional claim fees. A proper response was not received within the allowable period, and the application became abandoned on July 6, 2006.

The replacement drawings filed August 21, 2006, are noted.

The request for an extension of time within the second month made on August 9, 2007, is noted, but cannot be granted as the request was made outside the maximum period set for reply to the Notice to File Corrected Application Papers. The amount of $450.00 will be refunded to deposit account 50-0789.

The power of attorney filed January 17, 2007, is noted, but cannot be entered because it is signed by an apparent assignee of the application, but is not accompanied by a certificate under 37 CFR 3.73(b). A courtesy copy of this decision is being mailed to the address cited on the petition. All future correspondence will be mailed solely to the address of record until appropriate written instructions to the contrary are received.

This application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc: Mark J. Burns
Haugen Law Firm
1130 TCF Tower
121 South Eighth Street
Minneapolis, MN 55402

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OFFICE OF PETITIONS

HELLER EHRMAN LLP
4350 LAJOLLA VILLAGE DRIVE, 7TH FLOOR
SAN DIEGO, CA 92122

In re Application of :
Kenzaburo Tani et al :
Application No. 11/377,847 : ON PETITION
Filed: March 15, 2006 :
Attorney Docket No. 39888-0005A :

This is a decision on the petition under 37 CFR 1.137(b), filed October 23, 2008, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed January 30, 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 May 1, 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.

The power of attorney received November 19, 2008 is not accepted. In order for an assignee to take action in a case before the Office, compliance with 37 CFR 3.73(b) must be satisfied. More specifically, 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. A blank 37 CFR 3.73(b) accompanies this decision.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1633 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Ginger R. Dreger
Goodwin Procter, LLP
135 Commonwelath Drive
Menlo Park, CA 94025

Attachment: blank 37 CFR 3.73(b)

PTO/SB/96 (11-08)
Approved for use through 12/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: _____

Application No./Patent No.: _____ Filed/Issue Date: _____

Entitled:

_____, 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; or
2. ☐ an assignee of less than the entire right, title and interest (The extent (by percentage) of its ownership interest is _____ %)

in 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.

☐ 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 Telephone Number

_____
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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HELLER EHRMAN LLP
4350 LAJOLLA VILLAGE DRIVE, 7TH FLOOR
SAN DIEGO, CA 92122

In re Application of :
Kenzaburo Tani et al :
Application No. 11/377,847 : ON PETITION
Filed: March 15, 2006 :
Attorney Docket No. 39888-0005A :

CORRECTED DECISION

This is a decision on the petition under 37 CFR 1.137(b), filed October 23, 2008, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed January 30, 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 May 1, 2008.

The decision mailed December 10, 2008 is hereby vacated as of the mail date of this decision.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1633 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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PERKINS COIE LLP
P.O. BOX 2168
MENLO PARK CA 94026

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JUL 1 0 2006

OFFICE OF PETITIONS

In re Application of :
Don Harkins :
Application No. 11/377,859 : DECISION ACCORDING STATUS
Filed: March 15, 2006 : UNDER 37 CFR 1.47(b)
Attorney Docket No. 43390-8005.US01 :
For: SYSTEM AND METHOD FOR DISTRIBUTING KEYS IN A WIRELESS NETWORK

This is in response to petition under 37 CFR 1.47(b), filed June 12, 2006.

The renewed petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

The above-identified application was filed on March 12, 2006, without an executed oath or declaration or filing fee. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on April 7, 2006, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. The instant petition under 37 CFR 1.47(b) was filed on June 12, 2006, certificate of mailing dated June 7, 2006.

By the instant petition and evidentiary documents, petitioner has established that the sole inventor has refused to join the prosecution of the application and that the 37 CFR 1.47(b) applicant has sufficient proprietary interest to proceed with prosecution of the application without the sole inventor.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The fee for the instant petition is $200.00. Deposit account 50-2207 will be charged an additional $70.00, accordingly.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Dan Harkins
1886 San Andreas Road
La Selva Beach, CA 95076-9630

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JUL 10 2006
OFFICE OF PETITIONS

In re Application of :
Don Harkins :
Application No. 11/377,859 : LETTER
Filed: March 15, 2006 :
Attorney Docket No. 43390-8005.US01 :
For: SYSTEM AND METHOD FOR DISTRIBUTING KEYS IN A WIRELESS NETWORK

Dear Mr. Harkins:

You are named as the sole inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As the sole inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Kenya A. McLaughlin at (571) 272-3222. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

PERKINS COIE LLP
P.O. BOX 2168
MENLO PARK, CA 94026

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MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE, SUITE 500
MCLEAN, VA 22102-3833

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OFFICE OF PETITIONS

In re Application of :
Karim Zahedi et al :
Application No. 11/377,871 : DECISION ON PETITION
Filed: March 17, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. A-10533 : 37 CFR 1.102(c)(2)
:

This is a decision on the petition under 37 CFR 1.102(c)(2)(i), filed May 26, 2006, 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.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(i) and MPEP § 708.02, Section V: Environmental Quality must state that special status is sought because the invention materially enhances the quality of the environment by contributing to the restoration or maintenance of basic life-sustaining natural elements. If the disclosure is not clear on its face that the claimed invention materially enhances the quality of the environment by contributing to the restoration or maintenance of one of the basic life-sustaining natural elements, the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. No fee is required

The instant petition includes a satisfactory statement. Accordingly, the above-identified application has been accorded "special" status. Telephone inquiries concerning this decision should be directed to Petitions Examiner Irvin Dingle at 571-272-3210.

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 3749 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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HUSCH BLACKWELL SANDERS, LLP
HUSCH BLACKWELL SANDERS LLP WELSH & KATZ
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO IL 60606

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OFFICE OF PETITIONS

In re Application of	:	
Chen, Yungta	:	
Application No. 11/377,880	:	ON PETITION
Filed: March 16, 2006	:	
Attorney Docket No. 9486-96952	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 8, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Election, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 2627 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

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P.O. BOX 8910
RESTON VA 20195

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OFFICE OF PETITIONS

In re Application of :
John R. Hindinger, et al. :
Application No. 11/377,881 :
Filed: March 17, 2006 :
Attorney Docket No. 6145-000003/US/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 July 26, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Terry L. Clark on behalf of all attorneys of record who are associated with customer No. 30593.

All attorneys/agents associated with the Customer Number 30593 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: JOHN R. HINDINGER
21 CARLTON LANE
DEARBORN, MI 48120

cc: MATTHEW J. LATTIG
MCGRATH, GEISSLER, OLDS & RICHARDSON, PLLC
10560 MAIN STREET
SUITE 213
FAIRFAX, VA 22030

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Pepper Hamilton LLP/Wyeth
400 Berwyn Park
899 Cassatt Road
Berwyn PA 19312-1183

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AUG 26 2009

OFFICE OF PETITIONS

In re Application of :
Levin et al. :
Application No. 11/377,886 :
Filed: March 16, 2006 :
Attorney Docket No. WYTH0137-100(AM101949) :

ON APPLICATION FOR PATENT TERM ADJUSTMENT

This is in response to the "REQUEST FOR CONSIDERATION OF PATENT TERM ADJUSTMENT PURSUANT TO 37 CFR §1.702" filed March 9, 2009. Applicants submit that the correct patent term adjustment to be indicated on the patent is three hundred ninety eight (398) days, not three hundred six (306) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

The $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) will be assessed to deposit account no. 50-0436.

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[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Charlema Grant at (571) 272-3215.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Pepper Hamilton LLP/Wyeth LLC
400 Berwyn Park
899 Cassatt Road
Berwyn PA 19312-1183

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MAR 29 2010

OFFICE OF PETITIONS

In re Application of	:	
Levin et al.	:	
Patent Number: 7,595,327	:	DECISION ON PETITION
Issue Date: 09/29/2009	:	FOR RECONSIDERATION OF
Application No. 11/377886	:	PATENT TERM ADJUSTMENT
Filing or 371(c) Date: 03/16/2006	:	and
Attorney Docket No.	:	NOTICE OF INTENT TO ISSUE
WYTH0137-100 (AM101949)	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on October 28, 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 an additional one hundred ninety-seven (197) days, for a total adjustment of three hundred eighty-eight (388) 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 an additional one hundred ninety-seven (197) days, for a total adjustment of three hundred eighty-eight (388) days is **GRANTED to the extent indicated herein.**

As to the "B" delay, the period of adjustment is 197 days; however, 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. 35 U.S.C. 154(b)(2)(A), 37 CFR 1.702(f). In this instance, the period of adjustment of 82 days pursuant to 37 CFR 1.702(a)(4) overlaps with the period of adjustment pursuant to 37 CFR 1.702(b). Thus the "B" period of adjustment is 115 days (197 – 82 days).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days,**

whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Regarding the patent term adjustment fee, petitioner is advised that the fee is a prerequisite prior to treatment on the merits of any application for patent term adjustment. 35 U.S.C. 41(d) authorizes the Office to establish a fee to recover the estimated average cost of treating applications for patent term adjustment (as well as a fee for treating a request for reinstatement of patent term adjustment), and the cost of treating an application for patent term adjustment is about the same regardless of whether the Office's initial determination of patent term adjustment indicated in the notice of allowance is correct. Even when the application for patent term adjustment is correct, refunding the fee would require the Office to raise the fee set forth in § 1.18(e) (to enable the Office to recover the same aggregate amount); and (2) add further complication to a review process that must take place in a limited period of time. Petitioner's deposit account has been charged the patent term adjustment fee as authorized in the present petition.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The application 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 eighty-two **(382)** days.

Telephone inquiries specific to this matter should be directed to Attorney Derek Woods, at (571) 272-3232.

Anthony Knight
Supervisor
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

CC: PEPPER HAMILTON LLP
3000 TWO LOGAN SQUARE
EIGHTEENTH and ARCH STREETS
PHILADELPHIA, PA 19103-2799

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,595,327 B2

DATED : **September 29, 2009**

INVENTOR(S) : Levin 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 267 days.

Delete the phrase "by 267 days" and insert – by 382 days--

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UNITED STATES DEPARTMENT OF COMMERCE
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Pepper Hamilton LLP/Wyeth LLC
400 Berwyn Park
899 Cassatt Road
Berwyn, PA 19312-1183

Mail Date: 04/21/2010

Applicant	: Jeremy I. Levin	: DECISION ON REQUEST FOR
Patent Number	: 7595327	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/377,886	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **497** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.