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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/480,829	07/06/2006	Myung-Jae Kim	50182	2543

7590 03/06/2009
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER
HEIDEMANN, JASON E

ART UNIT PAPER NUMBER
4146

MAIL DATE DELIVERY MODE
03/06/2009 PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Repin. Ref: 03/06/2009 BPOWELL 0011551000
DAR:182226 Name/Number:11480829
FC: 4204 \$1050.00 CR

Adjustment date: 03/06/2009 BPOWELL
07/10/2006 DEMMANU1 00000031 11480829
02 FC:1111 -500.00 OP
04 FC:1202 -550.00 OP

Repln. Ref: 03/06/2009 BPOWELL 0011551000
DAH:182220 Name/Number:1140029
FC: 9204 \$1050.00 CR



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Values: 11/480,852, 07/06/2006, Takashi Enomoto, 292942US2SCONT, 4378

7590 07/31/2008
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

SANGHAVI, HEMANG

ART UNIT PAPER NUMBER

2874

NOTIFICATION DATE DELIVERY MODE

07/31/2008

ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Signature of Kalitha Bachana

Patent Publication Branch
Office of Data Management

Adjustment date: 07/30/2008 KKING1
07/10/2006 HLE333 00000025 11480852
02 FC:1111 -500.00 OP

Refund Ref: 0030059115
07/30/2008

Credit Card Refund Total: \$500.00

Am Exp.: XXXXXXXXXXXX1006



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Values: 11/480,879, 07/06/2006, Martin Koenemann, 293428US0, 3885

7590 12/18/2008
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Table with 2 columns: EXAMINER, ART UNIT, PAPER NUMBER, NOTIFICATION DATE, DELIVERY MODE
Values: SUCH, MATTHEW W, 2891, 12/18/2008, ELECTRONIC

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

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

The petition is granted.

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

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

Handwritten signature: Mimi Farmer
Patent Publication Branch
Office of Data Management

Refund Ref: 12/17/2008 0030064602

Credit Card Refund Total: \$1550.00

Am Exp.: XXXXXXXXXXXX1007

Adjustment date: 12/17/2008 NFARMER
07/10/2006 MBERHE 00000009 11480879
02 FC:1111 -500.00 OP
04 FC:1202 -50.00 OP
05 FC:1201 -1000.00 OP



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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON DC 20005-3096

COPY MAILED
MAR 15 2010

In re Application of :
Masayuki Nakamura, et al. :
Application No. 11/480,909 : DECISION GRANTING PETITION
Filed: July 6, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 071971-0676 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, March 15, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 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 Terri Johnson at (571) 272-2991.

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 information disclosure statement.

Terri Johnson
Petitions Examiner
Office of Petitions

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



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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

MAILED

JUN 23 2010

OFFICE OF PETITIONS

In re Application of :
Masayuki NAKAMURA, et al. :
Application No. 11/480,909 : DECISION GRANTING PETITION
Filed: July 6, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **071971-0676** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 22, 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 19, 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 2814 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/480,916 07/06/2006 Nobuyuki Baba 293297US2 5236

7590 02/19/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

CHU, KIM KWOK

ART UNIT PAPER NUMBER

2627

NOTIFICATION DATE DELIVERY MODE

02/19/2009

ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Handwritten signature: Niomi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
02/19/2009

0030066829

Adjustment date: 02/19/2009 NFARMER
07/10/2006 LWONDINI 00000010 11480916
02 FC:1111 -500.00 OP

Credit Card Refund Total: \$500.00

Ad Exp.: XXXXXXXXXXXX1009



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

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NOV 09 2009

OFFICE OF PETITIONS

In re Patent No. 7,578,384 :
Issue Date: August 25, 2009 :
Application No. 11/480,986 : **ON PETITION**
Filed: July 6, 2006 :
Attorney Docket No. 041281.00012 :

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 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.

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



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

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APR 09 2009

OFFICE OF PETITIONS

In re Application of :
Sergio Fandella :
Application No. 11/480987 :
Filing or 371(c) Date: 07/06/2006 :
Attorney Docket Number: :
041281.00016 : ON PETITION

This is a decision on the Petition to the Commissioner Under 37 C.F.R. § 1.181 to Withdraw Holding of Abandonment, filed February 25, 2009.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed June 16, 2008. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No response having been received, the application became abandoned on September 17, 2009. A Notice of Abandonment was mailed February 2, 2009.

Applicant's Assertion

Applicant files the present petition and asserts that a timely response to the Office action was filed on December 18, 2008 (Certificate of Mailing dated December 15, 2008), including a three (3) month extension of time and fee. In support of this assertion, applicant files a copy of the reply, which includes a Certificate of Mailing under 37 CFR 1.8, executed by David L. Principe; a copy of a statement from David L. Principe attesting to the mailing of the Amendment and Response on December 15, 2008 in accordance with the procedures set forth in 37 CFR 1.8, along with a copy of a return-receipt postcard which acknowledges receipt by this Office of an Amendment and Response (8 pages), on December 18, 2008.

Review of Office records

A review of Office records also reveals that the Office received the Amendment and Response on December 18, 2008 (Certificate of Mailing dated December 15, 2008). Office records also

reveal that the application included an authorization on filing to charge any additional fees under 37 CFR 1.17, in accordance with 37 CFR 1.36(a)(3).

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 three (3) month extension of time fee has been charged to Applicant's deposit account as authorized in the Fee Transmittal filed with the application on July 6, 2006.

The application will be referred to Technology Center Art Unit 3651 for continued examination in the normal course of business.

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

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions



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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

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APR 08 2009

OFFICE OF PETITIONS

In re Application of :
Noritaka Miyamoto, et al. :
Application No. 11/481,015 : DECISION DISMISSING PETITION
Filed: July 6, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 960/211 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 6, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED AS MOOT**.

Unfortunately, the petition was not referred to the appropriate deciding official for decision until after the issuance of this application into a patent. However, petitioner's attention is directed to 37 CFR 1.313(d), which states:

A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue**. (Emphasis added)

In this case, the petition was not received in the Office of Petitions for consideration until April 6, 2009 at 5:41 pm. Therefore, as the case has now issued, the petition to withdraw from issue cannot be granted.

The request for continued examination (RCE) filed concurrently with the petition is improper in view of the issuance of this application into a patent and will not be processed. Accordingly, the \$810 filing fee and the \$130 petition fee submitted are unnecessary and will be refunded in due course.

The Information Disclosure Statement has been made of record in the file of the above-identified application without further consideration. *See* 37 CFR 1.97(i).

Petitioner is advised, those while petitions to withdraw from issue may be E-Filed to the Commissioner for Patents, as was done in this case, applicants were cautioned to hand carry or fax petitions to withdraw from issue directly to the Office of Petitions and follow up with a phone call to ensure timely processing of the petition. *See* MPEP § 1308.

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding this application should be directed to the Office of Data Management at 571-272-4100.

/AMW/

April M. Wise
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Noritaka MIYAMOTO, et al. Conf. No. 4356
Group Art Unit: 3741
Application No.: 11/481,015
Examiner: M. J. McMahon
Filed: 06 July 2006
Docket No.: 960/211
For: INSERT CASTING COMPONENT, CYLINDER BLOCK,
METHOD FOR FORMING COATING ON INSERT
CASTING COMPONENT, AND METHOD FOR
MANUFACTURING CYLINDER BLOCK

PETITION FOR WITHDRAWAL FROM ISSUE
UNDER 37 C.F.R. § 1.313(c)(2)

Mail Stop - PETITIONS
Commissioner For Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants hereby petition for the withdrawal of this application from issue. The application is to issue on 07 April 2009 as U.S. 7,513,236. The reason for the request for withdrawal from issue is to permit consideration of the Request for Continued Examination ("RCE"), and an Information Disclosure Statement.

The Office is hereby authorized to charge the petition fee for consideration of this petition under §1.17(h), and any additional fees under 37 C.F.R. §1.16 or §1.17 or credit any overpayment to Deposit Account No. 11-0600.

The Examiner is invited to call the undersigned at 202.220.4420 to discuss any information concerning this application.

Respectfully submitted,

Date: 06 April 2009

By: /Daniel G. Shanley
Daniel G. Shanley
(Reg. No. 54,863)

Adjustment date: 04/08/2009 CKHLOK
04/07/2009 INTEFSW 00004033 110600 11481015
01 FC:1454 130.00 CR
01 FC:1454 810.00 CR

KENYON & KENYON LLP
1500 K Street, N.W.
Washington, D.C. 20005
Telephone: (202) 220-4200
Facsimile: (202) 220-4201

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>04/08/09</u>		2 Serial/Patent # <u>10/481,015</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
	Extension of Time			\$							
	Notice of Appeal/Appeal			\$							
X	Petition	PETWDISS	04/06/09	\$ 130.00							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
X	Other	RCEX	04/06/09	\$ 810.00							
			7 TOTAL AMOUNT OF REFUND	\$ 940.00							
8 TO BE REFUNDED BY:											
Treasury Check											
X Credit Deposit A/C #:											
9 <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">1</td> <td style="width: 20px; text-align: center;">1</td> <td style="width: 20px; text-align: center;">--</td> <td style="width: 20px; text-align: center;">0</td> <td style="width: 20px; text-align: center;">6</td> <td style="width: 20px; text-align: center;">0</td> <td style="width: 20px; text-align: center;">0</td> </tr> </table>					1	1	--	0	6	0	0
1	1	--	0	6	0	0					
10 REASON:											
	Overpayment										
	Duplicate Payment										
X	No Fee Due (Explanation):										
PETITION DISMISSED AS MOOT. PETITION FILED LATE											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>April M. Wise</u>		TITLE: <u>Petitions Examiner</u>									
SIGNATURE: <u>/APRILMWISE/</u>		PHONE: <u>571-272-1642</u>									
OFFICE: <u>Office of Petitions</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: <u></u>		DATE: <u>4/8/09</u>									

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:



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

MAILED
FEB 27 2007
U.S. PATENT AND TRADEMARK OFFICE

In re Application of	:	
Ito et al.	:	DECISION ON REQUEST TO
Application No. 11/481,047	:	PARTICIPATE IN PATENT
Filed: 06 June 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. MNL-2018-1406	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed 3 November 2006, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

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

Applicant did not submit an IDS listing all the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application

publications. The missing document cited by the JPO examiner and not provided in the IDS is JP-A-H06-084565.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be faxed to Greg Vidovich at 571/273-4415.

Telephone inquiries concerning this decision should be directed to Greg Vidovich at 571/272-4415.

Greg Vidovich 
Training Quality Assurance Specialist
Technology Center 3700



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P.O. Box 1450
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NIXON & VANDERHUYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

MAILED

MAR 12 2007

In re Application of	:		
Ito et al.	:	DECISION ON REQUEST TO	Director's Office
Application No. 11/481,047	:	PARTICIPATE IN PATENT	Group 3700
Filed: 06 June 2006	:	PROSECUTION HIGHWAY	
Attorney Docket No. MNL-2018-1406	:	PILOT PROGRAM AND PETITION	
	:	TO MAKE SPECIAL UNDER	
	:	37 CFR 1.102(d)	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed 3 November 2006, to make the above-identified application special.

It is noted that a decision was mailed 27 February 2007. However, this decision was mailed to the wrong address. For purposes of responding, the mailing date of this decision will determine the time period discussed hereinafter.

The request and petition are **DISMISSED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

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

Applicant did not submit an IDS listing all the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications. The missing document cited by the JPO examiner and not provided in the IDS is JP-A-H06-084565.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be faxed to Greg Vidovich at 571/273-4415.

Telephone inquiries concerning this decision should be directed to Greg Vidovich at 571/272-4415.

Greg Vidovich 
Training Quality Assurance Specialist
Technology Center 3700



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www.uspto.gov

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 222030

3/20/07

In re Application of	:	
<u>TAUCHI, TAKASHI</u> et al	:	DECISION ON REQUEST TO
Application No. 11/481,047	:	PARTICIPATE IN PATENT
Filed: Jul. 6, 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. MNL-2018-1406	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the renewed petition under 37 CFR 1.102(d), filed Mar. 13, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

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

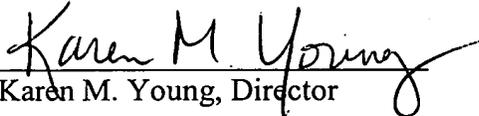
- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Receipt of the IDS and a copy of Japanese patent publication, JP-A-H06-084565, is acknowledged. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

All other inquiries concerning the examination or status of the application should be directed to the examiner, Mr. Hai Huynh, 571-272-4844.

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


Karen M. Young, Director



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Huawei Technologies Co., Ltd.
c/o LEASON ELLIS
81 Main Street, Suite 503
White Plains, NY 10601

Mail Date: 04/30/2010

Applicant	: Wenlin Zhang	: DECISION ON REQUEST FOR
Patent Number	: 7633918	: RECALCULATION OF PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/481,057	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **702** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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Paper No.

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

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NOV 22 2006

OFFICE OF PETITIONS

In re Application of :
Baxter et al. : DECISION ON PETITION
Application No. 11/481,062 :
Filed: July 3, 2006 :
Atty Docket No.020375-035210US:

This is a decision on the PETITION IN RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION filed August 28, 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 July 3, 2006.

Application papers in the above-identified application were deposited on July 3, 2006. However, on August 4, 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 drawings. In addition, applicants were advised that an abstract was not provided with the application.

Applicants maintain that all of the missing items (drawings and abstract) were submitted with the application on July 3, 2006. In support thereof, applicants submit 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. However, 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). 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. See MPEP 503.

A review of petitioners' postcard receipt reveals that: 1) it was date stamped as received in the USPTO on July 3, 2006, and the items filed therewith were assigned Application No. 11/481062; 2) it specifically identifies the items being filed, including "Seven (7) sheets of drawings" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, petitioners have shown that the items denoted, including 7 sheets of drawings, were filed on July 3, 2006.

However, the postcard does not denote the number of pages of specification or that an abstract was being filed. Given the failure to specifically identify the other components of the patent application, the postcard is not persuasive evidence of the filing of an Abstract on page 23.

It is concluded that the application-as-filed on July 3, 2006 included drawings and is entitled to a filing date of July 3, 2006.

Receipt of the Abstract on petition is acknowledged.

Accordingly, the petition is **GRANTED to the extent indicated herein.**

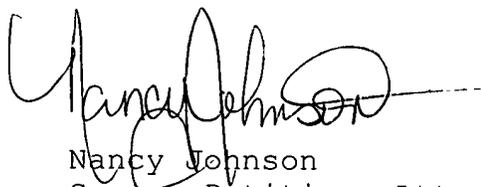
Given the basis for granting the petition, the petition fee is subject to refund. Although authorized, no petition fee will be charged to petitioner's Deposit Account.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for:

- **correction of the filing date to July 3, 2006** using the application papers received in the Office and presently accorded that date; and the 7 sheets of drawings re-supplied on petition filed August 28, 2006;
- for indication in Office records, as appropriate, that 7 sheets of drawings were present in the application on filing; and
- for processing of the Abstract filed August 28, 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.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a horizontal line extending to the right from the end of the signature.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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Armstrong, Kratz, Quintos, Hanson & Brooks, LLP
1725 K Street, NW
Suite 1000
Washington DC 20006

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OCT 20 2006
OFFICE OF PETITIONS

In re Application of	:	
Stanley Schmulewitz	:	
Application No. 11/481,065	:	DECISION ON PETITION
Filed: July 6, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 060226	:	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 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 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 2834 for action on the merits commensurate with this decision.


Amelia Au
Petitions Examiner
Office of Petitions



FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

MAR 26 2010

OFFICE OF PETITIONS

In re Application of :
John D. Joannopoulos, et al. :
Application No. 11/481,077 : **DECISION GRANTING PETITION**
Filed: July 5, 2006 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. 01997-359001 / MIT :
11757 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, March 24, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 9, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

This application is being referred to Technology Center AU 2836 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson
Petitions Examiner
Office of Petitions

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



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NUTTER MCCLENNEN & FISH, LLP
WORLD TRADE CENTER WEST
155 SEAPORT BOULEVARD
BOSTON, MA 02210-2604

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SEP 10 2008

In re Application of :
Kevin H. Murphy Jr., et. al. :
Application No. 11/481,089 : ON PETITION
Filed: July 5, 2006 :
Attorney Docket No. 102767-42 :

This is a decision on the petition, filed February 5, 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 **DISMISSED**.

Petitioner states that the instant non-provisional application is the subject of an application filed in a foreign country and the U. S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country. A review of the file record shows that a Request to Rescind was filed on February 5, 2008. However, petitioner has not provided the exact filing date of the foreign application. Before a proper determination on the merits of the petition can be decided, petitioner must supply the filing date of the foreign application in a renewed petition under 37 CFR 1.137(b).

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704. No additional petition fee is required.

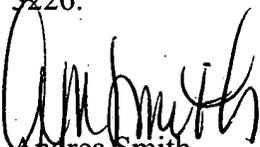
Further correspondence with respect to this matter should be addressed as follows:

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


Andrea Smith
Petitions Examiner
Office of Petitions



Nutter McClennen & Fish, LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02210-2604

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NOV 28 2008

OFFICE OF PETITIONS

In re Application of :
Kevin J. Murphy Jr., et. al. :
Application No. 11/481,089 : **DECISION ON PETITION**
Filed: July 5, 2006 : **UNDER 37 CFR 1.137(b)**
Attorney Docket No. 102767-42 :

This is a decision on the renewed petition filed October 7, 2008, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on July 5, 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:

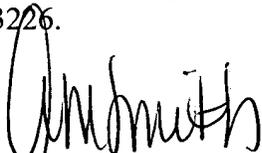
- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing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

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 March 5, 2009 accompanies this decision.

This application is being referred to Technology Center Art Unit 2442 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



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Table with 4 columns: APPLICATION NUMBER (11/481,089), FILING OR 371(C) DATE (07/05/2006), FIRST NAMED APPLICANT (Kevin J. Murphy JR.), ATTY. DOCKET NO./TITLE (102767-42)

CONFIRMATION NO. 3974

21125
NUTTER MCCLENNEN & FISH LLP
WORLD TRADE CENTER WEST
155 SEAPORT BOULEVARD
BOSTON, MA 02210-2604

NONPUBLICATION RESCISSION LETTER



Date Mailed: 11/24/2008

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 03/05/2009.

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

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

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

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

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

/amsmith/

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



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STMicroelectronics Inc.
c/o WOLF, GREENFIELD & SACKS, PC
Federal Reserve Plaza
600 Atlantic Avenue
BOSTON MA 02210-2206

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JAN 08 2007

OFFICE OF PETITIONS

In re Application of	:	
Sozzani	:	
Application No. 11/481,099	:	ON PETITION
Deposited: July 5, 2006	:	
Attorney Docket No. S1022.71105US00	:	
For: PROTECTION OF A DIGITAL	:	
QUANTITY CONTAINED IN AN	:	
INTEGRATED CIRCUIT COMPRISING A	:	
JTAG INTERFACE	:	

This is a decision on the petition under 37 CFR 1.53(e), filed August 11, 2006 (certificate of mailing date August 8, 2006), requesting that the above-identified application be accorded a filing date of July 5, 2006.

The petition under 37 CFR 1.53(e) is **GRANTED**.

The application was deposited on July 5, 2006. On July 31, 2006, the Office of Initial Patent Examination mailed a Notice informing petitioner that no filing date had been accorded to the application papers deposited on July 5, 2006 because no drawings were present, as is required by 35 U.S.C. 113.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that the above-identified application be accorded a filing date of July 5, 2006 on the basis that 2 sheets of drawing figures were received in the Patent and Trademark Office (PTO) on July 5, 2006. In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing July 5, 2006 as the date of receipt. The postcard lists, *inter alia*, that the filing included 2 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 2 sheets of drawings were filed on July 5, 2006. MPEP 503. Accordingly, the request is granted. Pursuant to petitioner's authorization, the \$400.00 petition fee will be refunded to deposit account no. 23-2825.

It is noted that the application contains method claims. Therefore, even if petitioner did **not** have a postcard receipt proving drawings were filed on July 5, 2006, the application would have been entitled to a filing date without drawings.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **July 5, 2006**, using the copy of the 2 sheets of drawings submitted with the instant petition. Office records will be corrected to show that 2 sheets of drawings were present on filing.

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



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE, FL 32614

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AUG 04 2009
OFFICE OF PETITIONS

In re Application of :
Bum : DECISION ON APPLICATION
Application No. 11/481,103 : FOR PATENT TERM ADJUSTMENT
Filed: July 5, 2006 :
Atty Docket No. SUN.DE.201 :

This is in response to the "Application for Patent Term Adjustment Under 37 CFR §1.705(b)" filed May 20, 2009. Applicant requests the initial determination of patent term adjustment be corrected from zero (0) days to one hundred thirty-three (133) days.

The application for patent term adjustment is **granted to the extent indicated herein.**

The Office has updated the PALM screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is 0 days, including 58 days of Office Delay and 174 days of Applicant Delay. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On February 25, 2009, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. Applicant was advised of a patent term adjustment to date of 0 days. In response, applicant timely filed this application for patent term adjustment with, or prior to, payment of the issue fee.¹

Applicant requests the patent term adjustment be corrected to 133 days.

Applicant asserts the Office's delay should be increased 75 days pursuant to 37 CFR 1.703(a)(2) as a result of the Office action mailed November 20, 2008. Applicant also asserts the reply filed January 20, 2009, should not have resulted in a reduction in patent term adjustment of 75 days due to Applicant Delay.

The application history has been reviewed and it has been determined that the initial patent term adjustment of 0 days is correct.

¹ PALM Records indicate that the Issue Fee payment was received on May 21, 2009.

Pursuant to 37 CFR 1.703(a)(2), Office Delay includes,

The number of days, if any, in the period beginning on the day after the date that is four months after the date a reply under § 1.111 was filed and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first.

In this case a reply under 37 CFR 1.111 was filed May 6, 2008. A final Office action was mailed August 6, 2008, and included a correct address. The USPS returned the envelope undelivered and the copy of the envelope fails to indicate the reason the envelope was returned. In other words, the record fails to indicate the Office action was not delivered due to an error by the Office.

The fact the Office action was not received does not change the fact the Office issued an Office action within four months of applicant filing a reply on May 6, 2008. Since the Office properly mailed an Office action on August 6, 2008, only three months after a reply was filed on May 6, 2008, an adjustment under 37 CFR 1.703(a)(2) is not warranted.

Applicant asserts the reply filed January 20, 2009, should not have resulted in a reduction in patent term adjustment of 75 days. 37 CFR 1.704(b) provides for a reduction when an applicant takes more than 3 months to respond to any notice or action by the Office making any rejection, objection, argument or other request. This period is properly calculated based on the date of the re-mailing of the Office action. In view of applicant not receiving the undelivered Office action, the Office mailing a new Office action, and the Office restarting the time period, the three-month time period under 37 CFR 1.704(b) began November 20, 2008. The January 20, 2009 reply was filed within three months of the November 20, 2008 Office action. Therefore, the filing of the January 20, 2009 reply should not have resulted in a reduction under 37 CFR 1.704(b). The period of reduction of 75 days is being removed.

Although a reduction is not warranted as a result of the filing of the January 20, 2009 reply, a review of the record indicates a reduction of 174 days is appropriate due to the substitute declaration filed October 27, 2008.

Per 37 CFR 1.704(c)(8), circumstances that will result in a reduction in the period of adjustment include:

Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed.

Applicant filed a reply to the February 6, 2008 non-final Office action on May 6, 2008. Applicant filed a substitute declaration and power of attorney on October 27, 2008. The substitute declaration and power of attorney is a paper filed after a reply has already been filed. Therefore, a reduction of 174 days pursuant to 37 CFR 1.704(c)(8) is appropriate for the period

beginning on May 7, 2008, and ending on October 27, 2008. A period of reduction of 174 days is being entered.

In view of the previous discussion, the patent term adjustment at the time of mailing of the notice of allowance is zero (0) days,² including 58 days of Office delay and 174 days of applicant delay.

Submission of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fee is required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

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



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of revised PALM screen

² The Office does not set forth negative balances of patent term adjustment on the Determination of Patent Term Adjustment under 35 U.S.C. 154(b).

PTA Calculations for Application: 11/481103

Application Filing Date:	07/05/2006	PTO Delay (PTO):	58
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	75
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-99		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
44	08/03/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		174	
43	08/03/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	75		
36	02/25/2009	MAIL NOTICE OF ALLOWANCE			
35	02/20/2009	ISSUE REVISION COMPLETED			
34	02/20/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
33	02/20/2009	CASE DOCKETED TO EXAMINER IN GAU			
32	02/05/2009	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
31	02/05/2009	DOCUMENT VERIFICATION			
30	02/02/2009	NOTICE OF ALLOWABILITY			
27	01/24/2009	DATE FORWARDED TO EXAMINER			
26	01/20/2009	AMENDMENT AFTER FINAL REJECTION		75	22
25	11/20/2008	MAIL NOTICE OF RESTARTED RESPONSE PERIOD			
24	11/19/2008	LETTER RESTARTING PERIOD FOR RESPONSE (I.E. LETTER RE: REFERENCES)			
23	10/27/2008	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)			
22	08/06/2008	MAIL FINAL REJECTION (PTOL - 326)			
21	08/04/2008	FINAL REJECTION			
20	06/19/2008	DATE FORWARDED TO EXAMINER			
19	05/06/2008	RESPONSE AFTER NON-FINAL ACTION			
18	02/06/2008	MAIL NON-FINAL REJECTION			
17	02/04/2008	NON-FINAL REJECTION			
15	12/21/2007	DATE FORWARDED TO EXAMINER			
14	12/03/2007	RESPONSE TO ELECTION / RESTRICTION FILED			
13	11/02/2007	MAIL RESTRICTION REQUIREMENT	58		-1

12	10/26/2007	REQUIREMENT FOR RESTRICTION / ELECTION			
11	10/04/2007	CASE DOCKETED TO EXAMINER IN GAU			
10	01/23/2007	CASE DOCKETED TO EXAMINER IN GAU			
9	01/11/2007	PG-PUB ISSUE NOTIFICATION			
8	12/31/2006	CASE DOCKETED TO EXAMINER IN GAU			
7	09/15/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
6	07/05/2006	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
5	07/31/2006	APPLICATION DISPATCHED FROM OIPE			
4	08/01/2006	APPLICATION IS NOW COMPLETE			
3	07/18/2006	CLEARED BY OIPE CSR			
2	07/13/2006	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	07/05/2006	INITIAL EXAM TEAM NN			

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

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

Mail Date: 04/21/2010

Applicant : Stephan Beutlhauser : DECISION ON REQUEST FOR
Patent Number : 7601791 : RECALCULATION of PATENT
Issue Date : 10/13/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/481,113 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/05/2006 : ISSUE CERTIFICATE OF CORRECTION
:

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

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

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

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

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

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



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MAR 14 2008

OFFICE OF PETITIONS

Akerman Senterfitt
P.O. Box 3188
West Palm Beach, FL 33402-3188

In re Application of
Sally Shea
Application No. 11/481,118
Filed: July 5, 2006
Attorney Docket No. 8102-1-1

:
:
:
:
:

ON PETITION

This is a decision on the petition under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority of the prior-filed provisional application set forth in the amendment filed concurrently with the instant petition.

The petition under 37 CFR 1.78(a)(6) is **GRANTED**.

A petition for acceptance of a claim for late priority 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). In addition, the petition under 37 CFR 1.78(a)(6) must be accompanied by:

1. the reference required by 35 USC 119(e) and paragraph (a)(5) of this section to the prior-filed provisional application, unless previously submitted.
2. the surcharge set forth in 1.17(t), and
3. a statement that the entire delay between the date the claim was due under paragraph (a)(5)(ii) of this section and the date the claim was filed was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional application is submitted after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Also, the reference to the prior filed application, found in the Application Data Sheet filed April 10, 2007, was submitted during the pendency of the instant nonprovisional application for which the claim for benefit of priority is sought. See 35 U.S.C. § 119(e). Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for benefit of priority under 35 U.S.C. § 119(e) to the prior-filed provisional application satisfies the conditions of 37 CFR 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning the instant application is entitled to the benefit of the prior-filed application. In order for the instant application to be entitled to the

benefit of the prior-filed application, all other requirements under 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

This matter is being referred to Technology Center 3700, Art Unit 3728 for further processing, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 119(e) to the prior-filed provisional application.



Anthony Knight
Supervisor
Office of Petitions

Enclosure: Corrected Filing Receipt



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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/481,118, 07/05/2006, 3728, 565, 8102-1-1, 6, 1

30448
AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH, FL 33402-3188

CONFIRMATION NO. 3807
REPLACEMENT FILING RECEIPT



Date Mailed: 03/03/2008

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)

Sally Shea, Fort Lauderdale, FL;

Power of Attorney: The patent practitioners associated with Customer Number 30448

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/696,594 07/05/2005

Foreign Applications

If Required, Foreign Filing License Granted: 07/31/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/481,118

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Personal hygiene dispensing packet

Preliminary Class

206

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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2656 SOUTH LOOP WEST #170
HOUSTON TX 77054

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OFFICE OF PETITIONS

In re Application of	:	
Kazem Azodi, et al.	:	
Application No. 11/481,125	:	DECISION ON PETITION
Filed: July 5, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. N/A	:	37 CFR 1.102(c)(1)
	:	

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

The petition is **GRANTED**.

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

The instant petition includes a copy of the applicant's. 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 3754 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions



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NIXON PEABODY LLP - PATENT GROUP
CLINTON SQUARE
PO BOX 31051
ROCHESTER NY 14603-1051

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OFFICE OF PETITIONS

In re Application of :
Fleisher, et al. :
Application No. 11/481,128 : DECISION REFUSING STATUS
Filed: July 5, 2006 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 19603/5441 :

This is in response to the petition under 37 CFR 1.47(a), filed March 5, 2007.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

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

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, drawings, oath or declaration); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Rule 47 applicant has not met requirement (1) above.

Rule 47 applicant has not demonstrated diligent effort in finding the non-signing inventor Christian Wood. With respect to showing diligent effort, "an affidavit or declaration of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made."¹ Here, Rule 47 applicant states that the application papers were mailed to the last known address of Wood, but was returned as undeliverable. Knowing that Wood is no longer at that residence, Rule 47 applicant has not provided any information of the steps taken to subsequently locate him. Applicant has provided no documentary evidence, such as a copy of an internet search, to support such a finding².

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

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

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

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



Cliff Congo
Petitions Attorney
Office of Petitions

¹ MPEP 409.03(d).

² Such documentary evidence should be made part of the affidavit or declaration. See id.



NIXON PEABODY LLP - PATENT GROUP
CLINTON SQUARE
PO BOX 31051
ROCHESTER NY 14603-1051

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OFFICE OF PETITIONS

In re Application of :
Fleisher, et al. : DECISION ACCORDING STATUS
Application No. 11/481,128 : UNDER 37 CFR 1.47(a)
Filed: July 5, 2006 :
Attorney Docket No. 19603/5441 :

This is in response to the renewed petition under 37 CFR 1.47(a),
filed November 2, 2007.¹

The petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants filed a petition under 37 CFR 1.47(a) on
March 5, 2007, to have the signing inventors execute the oath or
declaration on behalf of non-signing inventors Wood and Fleisher.
However, the petition was dismissed in a decision mailed on
April 2, 2007. The decision explained that Rule 47 applicant had
not demonstrated diligent effort in finding Wood. Rule 47
applicant did establish that Fleisher refused to sign the
declaration, however.

With the instant renewed petition, Rule 47 applicant has provided
a declaration executed by inventor Wood. The requirements for a
grantable petition under 37 CFR 1.47 with respect to Fleisher
were previously fulfilled in the March 5, 2007 petition.

¹ The petition was filed in response to a decision on petition mailed
April 2, 2007. The instant petition was made timely by obtaining a five month
extension of time.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to non-signing inventor Fleisher at the last known address provided in the March 5, 2007 petition. Notice of the filing of this application will also be published in the Official Gazette.

As there is no fee for a renewed petition, the \$200 petition fee has been refunded to Deposit Account No. 14-1138.

The matter is being forwarded to Group Art Unit 1621 to await applicants' reply to the non-final Office action mailed August 10, 2007.

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



Cliff Congo
Petitions Attorney
Office of Petitions



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CHRISTIAN A FLEISHER
630 NORTH BROADWAY #1
SARATOGA SPRINGS NY 12866

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NOV 29 2007

OFFICE OF PETITIONS

In re Application of :
Christian A. Fleisher, Alfred Center, :
Eric Johnson, Andrew Nady, Christian :
Wood :
Application No. 11/481,128 : LETTER
Filed: July 5, 2006 :
Title: Continuous Transesterification :
Process :

Dear Mr. Fleisher:

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

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions



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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 04/21/2010

Applicant : Klaus Engel : DECISION ON REQUEST FOR
Patent Number : 7616199 : RECALCULATION of PATENT
Issue Date : 11/10/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/481,129 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/05/2006 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **610** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



DICKE, BILLIG & CZAJA
FIFTH STREET TOWERS
100 SOUTH FIFTH STREET,
SUITE 2250
MINNEAPOLIS, MN 55402

MAILED
JUN 08 2009
OFFICE OF PETITIONS

In re Application of :
Martin BROX, et al :
Application No. 11/481,157 : DECISION ON PETITION
Filed: July 5, 2006 :
Attorney Docket No. :
1438.133.101/IF02P188US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 23, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before February 18, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed November 18, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on February 19, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the Issue Fee of \$1510 and Publication Fee of \$300; (2) the petition fee of \$1620; and (3) the required statement of unintentional delay.

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

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


Thurman Page
Petitions Examiner
Office of Petitions

RAM Fee History
Query
Revenue Accounting and Management

Name/Number: 11481157

Total Records Found: 14

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
04/24/2009	00005886	<u>4</u>	<u>1504</u>	\$300.00	04/23/2009	DA 500471
04/24/2009	00000014	<u>1</u>	<u>1501</u>	\$1,510.00	04/23/2009	DA 500471
04/24/2009	00005885	<u>4</u>	<u>1453</u>	\$1,620.00	04/23/2009	DA 500471
10/17/2008	00003810	<u>4</u>	<u>1251</u>	\$130.00	10/16/2008	DA 500471
10/31/2007	00000045	<u>3</u>	<u>8023</u>	\$120.00	10/31/2007	DA 501368
10/31/2007	00000044	<u>3</u>	<u>8007</u>	\$20.00	10/31/2007	DA 501368
06/26/2007	00014945	<u>4</u>	<u>1202</u>	\$300.00	06/26/2007	DA 500471
06/26/2007	00014946	<u>4</u>	<u>1201</u>	\$200.00	06/26/2007	DA 500471
09/08/2006	00002192	<u>4</u>	<u>1051</u>	\$130.00	09/08/2006	DA 500471
09/08/2006	00000512	<u>4</u>	<u>8021</u>	\$40.00	09/08/2006	DA 500471
07/10/2006	00000171	<u>1</u>	<u>1311</u>	\$200.00	07/05/2006	DA 500471
07/10/2006	00000170	<u>1</u>	<u>1111</u>	\$500.00	07/05/2006	DA 500471
07/10/2006	00000172	<u>1</u>	<u>1201</u>	\$400.00	07/05/2006	DA 500471
07/10/2006	00000169	<u>1</u>	<u>1011</u>	\$300.00	07/05/2006	DA 500471



BUSKOP LAW GROUP, P.C.
1776 YORKTOWN
SUITE 550
HOUSTON TX 77056

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NOV 28 2006

OFFICE OF PETITIONS

In re Application of	:	
Michael John Padgett	:	
Application No. 11/481,166	:	DECISION ON PETITION
Filed: July 5, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 771.018	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(2)(i) & (ii), filed July 5, 2006, to make the above-identified application special based on the invention (a) materially enhancing the quality of the environment as set forth in M.P.E.P. § 708.02, Section V and (b) materially contributing to certain categories related to energy resource as set forth in M.P.E.P. § 708.02, Section VI.

The petitions are **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(i) and MPEP § 708.02, Section V: Environmental Quality, must state that special status is sought because the invention materially enhances the quality of the environment by contributing to the restoration or maintenance of basic life-sustaining natural elements. If the disclosure is not clear on its face that the claimed invention materially enhances the quality of the environment by contributing to the restoration or maintenance of one of the basic life-sustaining natural elements, the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. No fee is required.

The instant petition fails to show the invention meets the materiality standard. The instant invention is broadly directed to using 3D seismic data in hydrocarbon exploration. Clearly, any attempt involving exploration of potentially productive sites for hydrocarbon deposits necessarily involves clearing of the surrounding areas, digging, etc. Such activities are clearly disruptive to the environment. Additionally, the use of seismic data in hydrocarbon exploration is known in the prior art and the statements in the petition as well as in the supporting affidavit by the inventor fail to explain how the instant invention materially enhances the quality of the environment by contributing to the restoration or maintenance of one of the basic life-sustaining natural elements as set forth in M.P.E.P. § 708.02, Section V.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(ii) and MPEP § 708.02, Section VI: Energy, must state that special status is sought because the invention materially contributes to (A) the discovery or development of energy resources, or (B) the more efficient utilization and

conservation of energy resources. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), hydrogen fuel technologies, nuclear energy, solar energy, etc. Category (B) would include inventions relating to the reduction of energy consumption in combustion systems, industrial equipment, household appliances, etc. enhances the quality of the environment by contributing to the restoration or maintenance of basic life-sustaining natural elements. If the application disclosure is not clear on its face that the claimed invention materially contributes to category (A) or (B), the petition must be accompanied by a statement under 37 CFR 1.102 by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. No fee is required.

The instant petition fails to meet the materiality standard of 37 CFR 1.102(c)(2)(ii). That the instant invention is directed towards exploration of hydrocarbons does not in itself render the invention to be deemed as materially contributing to category (A) or (B), as set forth above, since using seismic data in hydrocarbon exploration is known in the prior art. The instant petition as well as the supporting affidavit by the inventor states that the instant invention contributes to the development of energy resources but the materiality standard of the rule has not been met, i.e., petitioner has failed to explain how the claimed invention contributes in a significant, substantial, or noticeable manner to category (A) or (B), as set forth above.

This lack of meeting the materiality standards of 37 CFR 1.102(c)(2) (i) and (ii) does not permit the applicant to enjoy the benefit of advanced examination.

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 3663 for action in its regular turn.



David Bucci
Petitions Examiner
Office of Petitions



BUSKOP LAW GROUP, P.C.
1776 YORKTOWN
SUITE 550
HOUSTON TX 77056

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NOV 28 2006

OFFICE OF PETITIONS

In re Application of	:	
Michael John Padgett	:	
Application No. 11/481,167	:	DECISION ON PETITION
Filed: July 5, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 771.020	:	37 CFR 1.102(c)(2)

This is a decision on the petition under 37 CFR 1.102(c)(2)(i) & (ii), filed July 5, 2006, to make the above-identified application special based on the invention (a) materially enhancing the quality of the environment as set forth in M.P.E.P. § 708.02, Section V and (b) materially contributing to certain categories related to energy resource as set forth in M.P.E.P. § 708.02, Section VI.

The petitions are **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(i) and MPEP § 708.02, Section V: Environmental Quality, must state that special status is sought because the invention materially enhances the quality of the environment by contributing to the restoration or maintenance of basic life-sustaining natural elements. If the disclosure is not clear on its face that the claimed invention materially enhances the quality of the environment by contributing to the restoration or maintenance of one of the basic life-sustaining natural elements, the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. No fee is required.

The instant petition fails to show the invention meets the materiality standard. The instant invention is broadly directed to using 3D seismic data in hydrocarbon exploration. Clearly, any attempt involving exploration of potentially productive sites for hydrocarbon deposits necessarily involves clearing of the surrounding areas, digging, etc. Such activities are clearly disruptive to the environment. Additionally, the use of seismic data in hydrocarbon exploration is known in the prior art and the statements in the petition as well as in the supporting affidavit by the inventor fail to explain how the instant invention materially enhances the quality of the environment by contributing to the restoration or maintenance of one of the basic life-sustaining natural elements as set forth in M.P.E.P. § 708.02, Section V.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(ii) and MPEP § 708.02, Section VI: Energy, must state that special status is sought because the invention materially contributes to (A) the discovery or development of energy resources, or (B) the more efficient utilization and

conservation of energy resources. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), hydrogen fuel technologies, nuclear energy, solar energy, etc. Category (B) would include inventions relating to the reduction of energy consumption in combustion systems, industrial equipment, household appliances, etc. enhances the quality of the environment by contributing to the restoration or maintenance of basic life-sustaining natural elements. If the application disclosure is not clear on its face that the claimed invention materially contributes to category (A) or (B), the petition must be accompanied by a statement under 37 CFR 1.102 by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. No fee is required.

The instant petition fails to meet the materiality standard of 37 CFR 1.102(c)(2)(ii). That the instant invention is directed towards exploration of hydrocarbons does not in itself render the invention to be deemed as materially contributing to category (A) or (B), as set forth above, since using seismic data in hydrocarbon exploration is known in the prior art. The instant petition as well as the supporting affidavit by the inventor states that the instant invention contributes to the development of energy resources but the materiality standard of the rule has not been met, i.e., petitioner has failed to explain how the claimed invention contributes in a significant, substantial, or noticeable manner to category (A) or (B), as set forth above.

This lack of meeting the materiality standards of 37 CFR 1.102(c)(2) (i) and (ii) does not permit the applicant to enjoy the benefit of advanced examination.

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 3663 for action in its regular turn.


David Bucci
Petitions Examiner
Office of Petitions



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

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NOV 06 2006
OFFICE OF PETITIONS

In re Application of :
Nehlin, et al. :
Application No. 11/481,169 : **DECISION GRANTING PETITION**
Filed: July 5, 2006 :
Attorney Docket No.6731.204-US :

This is a decision on the petition filed September 29, 2006, that is responsive to the "Notice of Incomplete Nonprovisional Application" (the "Notice") mailed July 31, 2006.

On July 5, 2006, the application was deposited.

On July 31, 2006, the Office of Initial Patent Examination mailed the Notice stating that no filing date had been accorded the application because drawings were not found with the original disclosure, but appeared to be required to understand the invention claimed. The Notice allowed a non-extendable period for response of two months from its mailing date. The instant petition was filed on September 29, 2006. Petitioner argues that the application should be accorded a filing date of July 5, 2006.

It has been determined that drawings are not necessary to understand at least one claim within the meaning of the first sentence of 35 USC 113. 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). A review of the record reveals that Claim 1 in the disclosure is a method claim. Therefore, the application is deemed to be an application that does not require drawings for an understanding of the invention claimed. Accordingly, the application, as filed, was entitled to the filing date of July 5, 2006.

Deposit account 14-1447 will be refunded \$400.00.

The application is being forwarded to the Office of Initial Patent Examination for issuance of a corrected filing receipt and for further processing with a filing date of July 5, 2006.

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

Kenya A. McLaughlin
Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

THE FARRELL LAW FIRM, LLP
290 Broadhollow Road
Suite 210E
Melville, NY 11747

Mail Date: 04/21/2010

Applicant : Seung-Young Park : DECISION ON REQUEST FOR
Patent Number : 7606182 : RECALCULATION of PATENT
Issue Date : 10/20/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/481,170 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/05/2006 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **582** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/481,171 07/05/2006 James G. Ryan SOU03 P-136 4909

7590 07/10/2009
VAN DYKE, GARDNER, LINN & BURKHART, LLP
SUITE 207
2851 CHARLEVOIX DRIVE, S.E.
GRAND RAPIDS, MI 49546

EXAMINER

KUNTZ, CURTIS A

ART UNIT PAPER NUMBER

2614

MAIL DATE DELIVERY MODE

07/10/2009

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.

Mimi Armes
Patent Publication Branch
Office of Data Management

Adjustment date: 07/13/2009 NFARMER
07/10/2006 STEUMEL1 00000001 501432 11481171
02 FC:1111 500.00 CR
04 FC:1202 100.00 CR
05 FC:1201 600.00 CR



VISHAY/SILICONIX C/O MURABITO, HAO & BARNES, LLP
2 N. MARKET STREET
THIRD FLOOR
SAN JOSE, CA 95113

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AUG 27 2009

In re Application of :
Rossano Carta, et. al. :
Application No. 11/481,194 :
Filed: July 5, 2006 :
Attorney Docket No. VISH-IR255 :

OFFICE OF PETITIONS
DECISION ON PETITIONS
UNDER 37 CFR 1.78(a)(3) AND (a)(6)

This is a decision on the renewed petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed July 24, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

The amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (see 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Note MPEP §§ 201.06(c) and 608.04(b).

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or 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 decision should be addressed as follows:

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions



VISHAY/SILICONIX C/O MURABITO, HAO & BARNES, LLP
2 N. MARKET STREET
THIRD FLOOR
SAN JOSE, CA 95113

MAILED

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OFFICE OF PETITIONS

In re Application of	:	
Rossano Carta, et. al.	:	
Application No. 11/481,194	:	DECISION ON PETITIONS
Filed: July 5, 2006	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. VISH-IR255	:	

This is a decision on the renewed petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed September 21, 2009 and September 23, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

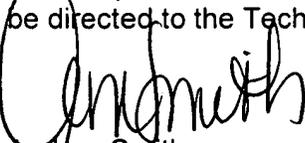
All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

This application is being forwarded to Technology Center Art Unit 2826, for consideration by the examiner of the claim under 35 U.S.C. § §120 and 119(e) of the prior-filed nonprovisional and provisional applications and 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. This application is also being referred to Technology Center Art Unit 2826 for a decision on the Request under 37 CFR 1.48 filed on October 19, 2009.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



Andrea Smith
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/481,194, 07/05/2006, 2826, 1130, VISH-IR255, 11, 1

CONFIRMATION NO. 3329

CORRECTED FILING RECEIPT



36538
VISHAY/SILICONIX C/O MURABITO, HAO & BARNES LLP
2 N. MARKET STREET
THIRD FLOOR
SAN JOSE, CA 95113

Date Mailed: 11/12/2009

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)

Rossano Carta, Torino, ITALY;
Luigi Merlin, Torino, ITALY;
Diego Raffo, Cogorno (GE), ITALY;

Assignment For Published Patent Application

International Rectifier Corporation

Power of Attorney: The patent practitioners associated with Customer Number 36538

Domestic Priority data as claimed by applicant

This application is a CIP of 11/255,021 10/20/2005 PAT 7,394,158
which claims benefit of 60/620,756 10/21/2004
This application 11/481,194
claims benefit of 60/696,634 07/05/2005

Foreign Applications

If Required, Foreign Filing License Granted: 08/01/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/481,194

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Schottky diode with improved surge capability

Preliminary Class

257

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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



LAW OFFICES OF BORIS G. TANKHILEVICH
SUITE A
536 N. CIVIC DRIVE
WALNUT CREEK, CA 94597

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JAN 19 2007

OFFICE OF PETITIONS

In re Application of	:	
Korenbilt et al.	:	DECISION ON PETITION
Application No. 11/481,197	:	TO MAKE SPECIAL
Filed: July 3, 2006	:	37 CFR 1.102(c)
Attorney Docket No. Terahertz-1	:	

This is a decision on the petition under 37 CFR 1.102(c)(2)(iii), filed August 9, 2006, to make the above-identified application special based on the invention materially contributing to countering terrorism as set forth in M.P.E.P. § 708.02, Section XI.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(iii) and MPEP § 708.02, Section XI: Inventions for Countering Terrorism, should state that special status is sought because the invention materially contributes to countering terrorism. International terrorism as defined in 18 U.S.C. 2331 includes:

activities that - (A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; [and] (B) appear to be intended - (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnapping...

If the disclosure is not clear on its face that the claimed invention is materially directed to countering terrorism, the petition must be accompanied by a statement by the applicant, assignee or a registered attorney/agent explaining how the materiality standard is met. The types of technology for countering terrorism could include, but are not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems. No fee is required.

The USPTO's final rule amending 37 CFR 1.102(c)(2) states:

The materially standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could counter terrorism. Nor does such standard permit an applicant to enjoy the benefit of advance examination merely because some minor aspect of the claimed invention may be directed to countering terrorism... [Response to Comment 65] applicants should not expect to have their petitions granted without a clear demonstration that the claimed invention is materially related to countering terrorism. 69 Fed. Reg. 56511 (Sept. 21, 2004)

Petitioner's submission fails to meet the criteria set out with respect to countering terrorism in MPEP § 708.02(XI). The specification and claims as originally filed indicate the invention is directed to generation of terahertz waves. The petition states, the "Terahertz technology has the potential to detect explosives packaged or buried within materials because the explosives have unique Terahertz spectral properties when compared to the surrounding materials." Further, the petition states, "The spectral fingerprints of explosive materials can be expected in the Terahertz band, and the Terahertz imaging can be applied for landmine detection." As stated above, the materially standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that *could* counter terrorism. "Identifying" and "detecting" do not equate to "countering." Further steps would be required to actually offset or nullify terrorism. As a result, no advancement in the technology of countering terrorism has been persuasively shown.

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

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

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

By FAX: (571) 273-8300

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

This matter is being referred to the Technology Center Art Unit 3663 for action in its regular turn.


David Bucci
Petitions Examiner
Office of Petitions



LAW OFFICES OF BORIS G. TANKHILEVICH
SUITE A
536 N. CIVIC DRIVE
WALNUT CREEK CA 94597

COPY MAILED
AUG 18 2008
OFFICE OF PETITIONS

In re Application of :
Yehiel KORENBLIT et al. :
Application No. 11/481,197 : **DECISION ON PETITION**
Filed: July 03, 2006 :
Attorney Docket No. TERAHERTZ-1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 07, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure s to timely pay the issue and publication fees on or before May 22, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed February 22, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 23, 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 and the publication fee of \$300.00, (2) the petition fee of \$770.00; and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fee payments are 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 for processing into a patent.

Michelle R. Eason
Paralegal Specialist
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/481,208	07/05/2006	Issei Yoshida	JP920050055US1	3319
67158	7590	11/13/2008	EXAMINER	
IBM - ARC SHIMOKAJI & ASSOCIATES, P.C. 8911 RESEARCH DRIVE IRVINE, CA 92618			FADOK, MARK A	
			ART UNIT	PAPER NUMBER
			3625	
			NOTIFICATION DATE	DELIVERY MODE
			11/13/2008	ELECTRONIC

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

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

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

patents@shimokaji.com
MSHIMOKAJI@SHIMOKAJI.COM



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DIRECTORS OFFICE

NOV 12 2008

TECHNOLOGY CENTER

SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE CA 92618

In re Application of:	:	DECISION ON REQUEST TO
Yoshida, Issei	:	PARTICIPATE IN PATENT
Application No.: 11/481,208	:	PROSECUTION HIGHWAY PILOT
Filed: July 05, 2006	:	PROGRAM AND PETITION TO
Attorney Docket: JP920050055US1	:	MAKE SPECIAL UNDER 37 CFR
For: System, Detecting Method	:	1.102(d)
and Program	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 30, 2008 to make the above-identified application special.

The request and petition are **GRANTED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the Office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program comply with the above requirements. Therefore, the above-identified application has been accorded "special" status and is being forwarded to the examiner for action on the merits commensurate with this decision

Telephone inquires concerning this decision should be directed to Robert Weinhardt at 571-272-6633. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.



Robert Weinhardt
TC3600
Business Practice Specialist



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

JOHN LEZDEY & ASSOCIATES
Suite 118
2401 West Bay Drive
Largo FL 33770

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JAN 22 2008

OFFICE OF PETITIONS

In re Application of	:	
Gregg Siegel et al.	:	
Application No. 11/481,210	:	DECISION ON PETITION
Filed: July 5, 2006	:	UNDER 37 C.F.R. § 1.137(f)
Attorney Docket No. 1050-11	:	
Title: TREATMENT OF URINARY	:	
TRACT INFECTIONS	:	

This is a decision on the petition filed on September 20, 2007, pursuant to 37 C.F.R. § 1.137(f), to revive the above-identified application.

A grantable petition pursuant to 37 CFR § 1.137(f) must be accompanied by:

- (1) Notification of the filing of an application in a foreign country or under a multinational treaty that requires 18 month publication¹;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m), and;
- (3) A statement that the entire delay in filing the notice from the date that the notice was due under 35 U.S.C. §122(b)(2)(B)(iii) until the date the notice was filed was unintentional. The Commissioner may require additional information where there is a question

¹ See PTO/SB/36 and paragraph on PTO/SB/64a for further information. Both may be downloaded at <http://www.uspto.gov/web/forms/index.html>.

whether the delay was unintentional.

Petitioner states that the present nonprovisional application is the subject of an application filed in an international application on February 6, 2007. However, the United States Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an international application.

On June 18, 2007, a Notice of Rescission of Nonpublication Request was filed with the Office. Unfortunately, notification of the filing of the international application did not accompany this filing.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 1.22(b)(2)(B)(iii) and 37 C.F.R. § 1.213(c) for failure to timely notify the Office of the filing of an application under a multilateral international agreement that requires publication of applications 18 months after filing.

The petition under 37 C.F.R. § 1.137(f) is **GRANTED**.

Petitioner has submitted the notification of an international filing, paid the petition fee, and has made the proper statement of unintentional delay.

The present petition has been found to be in compliance with 37 C.F.R. § 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such international application as provided by 35 U.S.C. §§ 122(b)(2)(B)(iii) and 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), filed with the original application papers, has been rescinded.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the present application can receive further processing in due course.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225². All other inquiries

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

concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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P.O. Box 1450
Alexandria, VA 22313-1450
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**COOLEY GODWARD KRONISH LLP
ATTN: PATENT GROUP
SUITE 500
1200 - 19TH STREET, NW
WASHINGTON DC 20036-2402**

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SEP 17 2007

In re Application of
SMIRNOV, Alexei V.
Application No. 11/481,228
Filed: July 05, 2006
Attorney Docket No. **ADEN-006/00US/AE2005-028D**

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 06, 2007.

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

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

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

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


Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **NEUGEBORN LAW FIRM PC
1035 PEARL STREET
SUITE 400
BOULDER, CO 80302**



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

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AUG 24 2007

OFFICE OF PETITIONS

In re Application of
Joseph A. Clark, et al.
Application No. 11/481,231
Filed: July 5, 2006
Attorney Docket No. 95,821

:
:
:
:
:
:
:

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.136(b) filed April 2, 2007.

The request is **APPROVED**.

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

The request was signed by Scott R. Boalick on behalf of himself.

Scott R. has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There are no pending Office actions at the present time.

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

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



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JUL 11 2007

OFFICE OF PETITIONS

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

In re Application of	:	
FOWLOW, Bradley	:	
Application No. 11/481,237	:	DECISION ON PETITION
Filed: July 03, 2006	:	TO WITHDRAW
Attorney Docket No. 021380-000710US	:	FROM RECORD
	:	

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 05, 2007 and April 10, 2007.

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

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP has been revoked by the assignee of the patent application on June 18, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Williams
Terri Williams
Petitions Examiner
Office of Petitions

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


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UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/481,237	07/03/2006	Bradley G. Fowlow	021380-000710US

CONFIRMATION NO. 1462

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



OC000000024706914

Date Mailed: 07/06/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/18/2007.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Michelle R. Eason

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


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 United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/481,237	07/03/2006	Bradley G. Fowlow	021380-000710US

CONFIRMATION NO. 1462

22830
 CARR & FERRELL LLP
 2200 GENG ROAD
 PALO ALTO, CA 94303



OC000000024706915

Date Mailed: 07/06/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/18/2007.

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

Michelle R. Edson

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

ATTORNEY/APPLICANT COPY



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

**MAILED
OCT 14 2009
OFFICE OF PETITIONS**

In re Application of :
Bradley G. Fowlow : DECISION ON PETITION
Application No. 11/481,237 : TO WITHDRAW
Filed: July 3, 2006 : FROM RECORD
Attorney Docket No. PA4220US :

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 25, 2008.

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

A review of the file record indicates that on January 28, 2009 the power of attorney to Carr & Ferrell, LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Sheppard, Mullin, Richter & Hampton LLP
990 Marsh Road
Menlo Park CA 94025



John P. O'Banion
O'Banion & Ritchey, LLP
400 Capitol Mall
Suite 1550
Sacramento, CA 95814

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MAY 05 2008

OFFICE OF PETITIONS

In re Application of	:	
Robert W.Bower	:	
Application No. 11/481,238	:	DECISION ON REQUESTS
Filed: 07/3/2006	:	TO WITHDRAW
Attorney Docket No. BOW5075.04A4	:	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 6, 2007.

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

A review of the file record indicates that the power of attorney to John P. O'Banion and all attorneys/agents of record have been revoked by the applicant of the patent application on December 27, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) are moot.

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

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

Kimberly Inabinet
Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Steven Vosen
1563 Solano Avenue #206
Berkeley, CA 94707



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GARDERE WYNNE SEWELL LLP
INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS, TX 75201-4761

Mail Date: 04/21/2010

Applicant	: Vincent Knopik	: DECISION ON REQUEST FOR
Patent Number	: 7643808	: RECALCULATION OF PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/481,240	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **781** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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CONLEY ROSE, P.C.
5601 GRANITE PARKWAY, SUITE 750
PLANO, TX 75024

Mail Date: 04/22/2010

Applicant	: Shibi Huang	: DECISION ON REQUEST FOR
Patent Number	: 7643474	: RECALCULATION OF PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/481,241	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **265** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

MAILED
MAR 05 2010
OFFICE OF PETITIONS

In re Application of :
Michael R. DUPELLE et al. :
Application No. 11/481,245 : **DECISION ON PETITION**
Filed: July 05, 2006 :
Attorney Docket No. 04644-189001 :

This is a decision on the petition, filed July 14, 2009, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of December 11, 2008, which set a three (3) month shortened statutory period for reply. A three (3) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on June 12, 2009.

Petitioner states that a response to the Office action dated December 11, 2008 was mailed to the office in a timely manner. Petitioner has provided the Office with a copy of the post card receipt dated June 15, 2009, with a Certificate of Mailing dated June 11, 2009.

A review of the Office records indicates that the response was timely filed with a three (3) month extension of time, which makes the reply timely filed.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

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

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of December 11, 2008 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed (or transmitted by facsimile) on June 15, 2009, with a Certificate of Mailing dated June 11, 2009.

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

This application is being referred to Technology Center AU 3766 for appropriate action in the normal course of business on the reply received with petition.


Thurman K. Page
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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SMITH, GAMBRELL & RUSSELL
1130 CONNECTICUT AVENUE, N.W., SUITE 1130
WASHINGTON, DC 20036

Mail Date: 04/21/2010

Applicant	: Yuji Kamikawa	: DECISION ON REQUEST FOR
Patent Number	: 7593625	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/481,253	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **372** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

COATS & BENNETT, PLLC
1400 Crescent Green, Suite 300
Cary, NC 27518

Mail Date: 04/21/2010

Applicant	: Julie Tabor Thompson	: DECISION ON REQUEST FOR
Patent Number	: 7597332	: RECALCULATION OF PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/481,271	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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



MAR 24 2010

RICHARD L. MILLER
12 PARKSIDE DRIVE
DIX HILL, NY 11746-4879

In re Application of	:	
Albert Chao et al.	:	
Application No. 11/481,301	:	DECISION ON PETITION
Filed: July 5, 2006	:	TO ACCEPT LATE
For: SOLAR POWERED ILLUMINATED	:	PAPER
SIGN HAVING AT LEAST ONE	:	
INTERCHANGEABLE CHARACTER	:	

This is a decision in response to the submission denominated "Petition under 37 CFR 1.181 that the Commissioner direct the PTO to accept reply brief as if it were timely received due to an error by the Patent and Trademark Office" received February 8, 2010. This correspondence is being treated as a petition to withdraw the holding of abandonment for failure to receive an Office action.

The petition is **DISMISSED**.

A review of the file record reveals that a Notification of Non-Compliant Appeal Brief was mailed to practitioner on June 8, 2009. The Notification set a one month or thirty days response period. Extensions of this time period may be granted under 37 CFR 1.136. Since no response to the June 8, 2009 Office communication was filed, the application was held abandoned, although no formal notice of abandonment has yet been mailed.

Petitioner asserts that the Office action having a mail date of June 8, 2009 was not received from the U.S. Postal Service by the practitioner at the correspondence address of record. The Office action of June 8, 2009 was discovered by the practitioner "while using Patent Application Information (PAIR) service of the USPTO." Filed concurrently with the petition is a response to the June 8, 2009 Office communication. Petitioner requests that the Office accept the response as being timely.

There is a strong presumption that Office communication properly addressed and delivered to the United States Postal Services, was in fact delivered to the addressee. An allegation that the Office communication was not received must be overcome by a showing that it was not received.

The showing required to establish non-receipt of an Office communication must include all of the following requirements:

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

The docket records indicated above must include a copy of the list of **all responses** in the practitioner's office with the due date of July 8, 2009. See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 OG 53 (November 16, 1993).

The petitioner has failed to comply with requirement (2) and (3) indicated above.

As to condition (2), practitioner has failed to make a statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.

As to condition (3), a copy of a docket record has not been provided.

Accordingly, the abandonment of the application will not be withdrawn and the response submitted with the petition will not be accepted as being timely filed.

Applicant may wish to consider filing a petition to revive under 37 CFR 1.137(a) (unavoidable delay) or 37 CFR 1.137(b) (unintentional delay) as discussed below.

I. Unavoidable Delay.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by: (1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute; (2) the petition fee required by 37 CFR 1.17(l); and (3) an adequate showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable.

The showing requirement can be met by submission of statements of fact establishing that the delay in filing the reply was unavoidable. This includes a satisfactory showing that the cause of the delay resulting in failure to reply in a timely fashion to the Office action was unavoidable. Diligence during the time period between abandonment and filing of the petition to revive must also be shown.

As an alternative to filing a petition for unavoidable abandonment, a petition for revival of an application abandoned unintentionally under 37 CFR 1.137(b) might be appropriate.

II. Unintentional Delay.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute; (2) the petition fee required by 37 CFR 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

The petition fee required by law for filing a petition under unavoidable standard is \$540. The fee for a petition under the unintentional standard is \$1620. If applicant has, or can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one-half of the amount indicated.

If not previously filed, the reply to the outstanding Office action must accompany the petition to revive.

The required items should be promptly submitted under a cover letter entitled "Petition to Revive".

Further correspondence with respect to a petition to revive 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

Telephone inquiries regarding a petition to revive should be directed to the Office of Petitions Staff at (571) 272-3282.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181."

Inquiries related to this decision may be directed to Teri Luu, Quality Assurance Specialist, at (571) 272-7045



David Talbott, Director
Patent Technology Center 3600
(571) 272-5150

DT/ll: 03/24/10

TL



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THE GATES CORPORATION
IP LAW DEPT. 10-A3
1551 WEWATTA STREET
DENVER, CO 80202

Mail Date: 04/21/2010

Applicant	: Yahya Hodjat	: DECISION ON REQUEST FOR
Patent Number	: 7625290	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/481,320	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **353** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 : 03/01/10

TO SPE OF : ART UNIT 2878

SUBJECT : Request for Certificate of Correction for Appl. No.: 11481328 Patent No.: 7621646

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

**Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580**

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

Lamonte Newsome

**Certificates of Correction Branch
703-756-1574**

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments: _____

Sergey Y. Eysa

SPE

2878
Art Unit



RAYMOND J. WERNER
2056 NW ALOCLEK DRIVE, SUITE 314
HILLSBORO, OR 97124

COPY MAILED

AUG 21 2008

In re Application of :
Michael R. Cummiskey, et al. :
Application No. 11/481,329 : ON PETITION
Filed: July 3, 2006 :
Attorney Docket No. LEI.P001 :

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

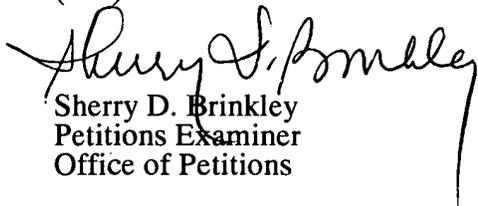
The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Corrected Application Papers mailed August 1, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice to submit a replacement drawing. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on October 2, 2006. A Notice of Abandonment was mailed on April 4, 2007. On May 5, 2008, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawing of Figure 1; (2) the petition fee of \$770; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Patent Application Processing (OPAP) for review of the drawing provided May 5, 2008.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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J.E. MCTAGGART
U.S. PATENT AGENT
6650 CRESCENT STREET
SUITE 4
VENTURA CA 93003

COPY MAILED
AUG 13 2008
OFFICE OF PETITIONS

In re Application of :
Musser, James :
Application No. 11/481,343 : **ON PETITION**
Filed: July 6, 2006 :
Attorney Docket No. 1456 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 24, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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 2837 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions



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

KELLEY DRYE & WARREN LLP
400 ATLANTIC STREET, 13TH FLOOR
STAMFORD CT 06901

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JUL 15 2009

OFFICE OF PETITIONS

In re Application of :
Robert G. Titemore et al. :
Application No. 11/481,359 :
Filed: July 5, 2006 :
Attorney Docket No. 018632.0124.NPUS00 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed June 17, 2009.

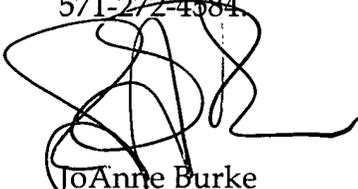
The request is **NOT APPROVED**.

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 Office no longer accept address changes to a new practitioner/customer number or law firm filed with a request, absent the filing of a power of attorney to the new representative.

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

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.



JoAnne Burke
Petitions Examiner
Office of Petitions



KELLEY DRYE & WARREN LLP
400 ATLANTIC STREET, 13TH FLOOR
STAMFORD CT 06901

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SEP 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert G. Titemore et al.	:	
Application No. 11/481,359	:	DECISION ON PETITION
Filed: July 5, 2006	:	TO WITHDRAW
Attorney Docket No. 018632.0124.NPUS00	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 14, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because the address for neither the first named inventor nor the assignee of record was not provided in the request. The Office will only accept changes to the most current address information provided for the assignee of the entire interest that properly became of record under 37 CFR 3.71 or, the most current address of the first named inventor.

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

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584

JoAnne Burke
Petitions Examiner
Office of Petitions



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/481,366 07/05/2006 Debargha Mukherjee 200505605-1 3758

7590 04/17/2008
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
DASTOURI, MEHRDAD

ART UNIT PAPER NUMBER
2621

NOTIFICATION DATE DELIVERY MODE
04/17/2008 ELECTRONIC

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

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

The petition is granted.

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

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

Handwritten signature of Miami Garmes

Patent Publication Branch
Office of Data Management



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DEAN D. SMALL
THE SMALL PATENT LAW GROUP LLP
225 S. MERAMEC, STE. 725T
ST. LOUIS, MO 63105

Mail Date: 04/29/2010

Applicant : Michael Kogan : DECISION ON REQUEST FOR
Patent Number : 7638775 : RECALCULATION of PATENT
Issue Date : 12/29/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/481,377 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/05/2006 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **617** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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Robert P. Lenart
Pietragallo, Bosick & Gordon LLP
38th Floor
One Oxford Centre, 301 Grant Steet
Pittsburgh PA 15219

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JAN 0 5 2007

OFFICE OF PETITIONS

In re Application of	:	
Shukla et al.	:	
Application No. 11/481388	:	DECISION GRANTING
Filing or 371(c) Date: 07/05/2006	:	STATUS UNDER
Attorney Docket No.	:	37 CFR 1.47(a)
SEAG 78282	:	

This is in response to a Petition Under 37 CFR 1.47, filed October 4, 2006, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor.

The petition is **granted**.

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

Petitioner has shown that the non-signing inventor, Nisha Shukla, 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



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MS. NISHA SHUKLA
584 S. AIKEN AVENUE
PITTSBURGH, PA 15232

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JAN 05 2007

In re Application of : **OFFICE OF PETITIONS**
Shukla et al. :
Application No. 11/481388 : LETTER
Filing or 371(c) Date: 07/05/2006 :
Attorney Docket No. :
SEAG 78282 :

Dear Ms. Shukla:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 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 an 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. 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: Robert P. Lenart
Pietragallo, Bosick & Gordon LLP
38th Floor
One Oxford Centre, 301 Grant Steet
Pittsburgh, PA 15219



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

Mail Date: 04/20/2010

Applicant	: David N. Craige III	: DECISION ON REQUEST FOR
Patent Number	: 7590456	: RECALCULATION OF PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/481,415	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **259** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

Mail Date: 04/20/2010

Applicant	: Nisar A. Khan	: DECISION ON REQUEST FOR
Patent Number	: 7662776	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/481,423	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/05/2006	: 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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FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 04/20/2010

Applicant	: Michael Parascandola	: DECISION ON REQUEST FOR
Patent Number	: 7603173	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/481,430	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **358** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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STMICROELECTRONICS INC
C/O WOLF GREENFIELD & SACKS PC
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

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MAY 02 2007

OFFICE OF PETITIONS

In re Application of :
Teglia, et al. : DECISION ACCORDING STATUS
Application No. 11/481,432 : UNDER 37 CFR 1.47(a)
Filed: July 5, 2006 :
Attorney Docket No. S1022.71035US00:

This is in response to the petition under 37 CFR 1.47(a), filed March 5, 2007.

The petition under 37 CFR 1.47(a) is **GRANTED**.

Petitioner has shown that inventor Pomot has refused to execute the declaration after having been mailed the application papers to his last known addresses.

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

The matter is being forwarded to Group Art Unit 2183 for docketing and examination in due course.

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

A handwritten signature in black ink, appearing to read "Cliff Congo". The signature is written in a cursive, somewhat stylized font.

Cliff Congo
Petitions Attorney
Office of Petitions



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ALAIN POMET
LES BANETTES
13790 ROUSSET
FRANCE

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MAY 02 2007

OFFICE OF PETITIONS

In re Application of :
Yannick Teglia, Pierre-Yvan Liardet, :
Alain Pomet :
Application No. 11/481,432 :
Filed: July 5, 2006 :
Title: Protection of the Execution of :
a Program :

LETTER

Dear Mr. Pomet:

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

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions



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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

Mail Date: 04/21/2010

Applicant	: Boris Leonidovich Volodin	: DECISION ON REQUEST FOR
Patent Number	: 7633985	: RECALCULATION OF PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/481,445	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **191** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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/PRATT & WHITNEY
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

Mail Date: 04/21/2010

Applicant	: Mark E. Addis	: DECISION ON REQUEST FOR
Patent Number	: 7572099	: RECALCULATION OF PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/481,453	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/06/2006	: 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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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/481,460 07/05/2006 Ross S. Dando MI22-3266 4264

7590 12/13/2007
WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

Table with 1 column: EXAMINER

Table with 2 columns: ART UNIT, PAPER NUMBER

1763

Table with 2 columns: MAIL DATE, DELIVERY MODE

12/13/2007 PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Signature: Kaletus King
Patent Publication Branch
Office of Data Management

Adjustment date: 12/13/2007 K KING1
07/13/2006 ZJU HAR1 00000031 031952 11484460
02 FC:1111 500.00 CR
04 FC:1202 550.00 CR



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

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JAN 18 2007

OFFICE OF PETITIONS

In re Application of :
Diego Muller De Oliveira :
Application No. 11/481,466 : DECISION ACCORDING STATUS
Filed: July 6, 2006 : UNDER 37 CFR 1.47(b)
Attorney Docket No. 051504/309509 :
**For: EXTENSIBLE BAR WITH A SIMPLIFIED LOCKING
SYSTEM**

This is in response to the petition under 37 CFR 1.47(b), filed November 7, 2006.

The petition is **GRANTED**.

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

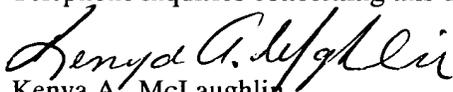
The above-identified application was filed on July 6, 2006, without an executed oath or declaration or filing fee. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on July 31, 2006, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. The instant petition under 37 CFR 1.47(b) was filed on November 7, 2006, with a request for an extension of time within the second month.

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.

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

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


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DW Feb-07

WILLIAM DAVID KIESEL
2355 DRUSILLA LANE
BATON ROUGE LA 70809

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FEB 22 2007

OFFICE OF PETITIONS

In re Application of :
Joseph E. Marler :
Application No. 11/481,472 : DECISION DISMISSING PETITION
Filed: 6 July, 2006 :
Atty Dckt No. 10077.004 :

This is a decision in reference to the "PETITION SUBMITTED TO CORRECT FILING DATE OF CIP APPLICATION AND OBTAIN BENEFIT OF PARENT FILING DATE" filed on 6 September, 2006, which is treated as a petition filed under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of 25 April, 2006, rather than the currently-accorded filing date of 6 July, 2006.

Petitioner avers that the application was deposited in Express Mail service on 25 April, 2006, but that no correspondence was received until applicants received a postcard from the USPTO stating that the application had been received on 6 July, 2006.

Petitioner has provided a copy of Express Mail Customer Label No. EL976558329US (the same Express Mail number contained on the itemized transmittal letter accompanying the original application papers found in the official file). The "date-in" box has not been completed on the copy of the Express Mail label provided, however. In support, petitioner has provided an affidavit of Stephanie Milton, stating that she handed the Express Mail envelope to a USPS employee at the Post Office on 20 April, 2006.

Paragraph (a) of 37 CFR 1.10 states that:

Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal

Service (USPS) will be considered filed in the Office on the date of deposit with the USPS. The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the Office receipt date as the filing date.¹ (emphasis added)

Paragraph (d) of 37 CFR 1.10 states that:

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

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;

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

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

Any statement submitted in support of such a showing pursuant to this paragraph must be a verified statement if made by a person other than an employee of the USPS or a practitioner as defined in § 10.1(r) of this chapter.

The petition lacks the showing required by item (3) above. The showing of record, petitioner's assertion that the application was deposited with the USPS on 20 April, 2006, is insufficient to

¹ See 37 CFR 1.6(a).

accord the application a filing date of other than 6 July, 2006. Additionally, the affidavit of counsel's employee that the application was deposited in Express Mail on 20 April, 2006, is not more persuasive than the showing of the official file. Petitioner may wish to consider requesting evidence from the USPS, such as a letter from the USPS stating that the Express Mail shipment bearing Express Mail Number EL976558329US was in fact deposited with the USPS in Express Mail Post Office to Addressee Service on 20 April, 2006, prior to the last scheduled pickup of the day, and that the "date-in" was not entered on the Express Mail label in error, and explain the apparent cause of the error.

Alternatively, petitioner may provide evidence that came into being after deposit and within one business day of deposit of the application in Express Mail. Such evidence may include a mail log with an entry made after the application was deposited in Express Mail, or a letter to the client sent after the mailing of the application confirming the mailing of the application.

Accordingly, the petition is dismissed. However, such dismissal is without prejudice to reconsideration pending submission of a statement from the USPS or other proper evidence showing that the application was accepted by the USPS on 20 April, 2006.

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

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

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

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

Application No. 11/481,472

4

Telephone inquiries may be directed to the undersigned at 571-272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



WILLIAM DAVID KIESEL
2355 DRUSILLA LANE
BATON ROUGE LA 70809

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MAY 30 2007

OFFICE OF PETITIONS

In re Application of :
Joseph E. Marler :
Application No. 11/481,472 : DECISION GRANTING PETITION
Filed: 20 April, 2006 :
Atty Dckt No. 10077.004 :

This is a decision in reference to the "PETITION SUBMITTED TO CORRECT FILING DATE OF CIP APPLICATION AND OBTAIN BENEFIT OF PARENT FILING DATE" filed on 16 March, 2007, which is treated as a renewed petition filed under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of 20 April, 2006, rather than the currently-accorded filing date of 6 July, 2006.

Petitioner again avers that the application was deposited in Express Mail service on 20 April, 2006, but that no correspondence was received until applicants received a postcard from the USPTO stating that the application had been received on 6 July, 2006.

The present renewed petition is accompanied by a letter to the client, dated 20 April, 2006, signed by counsel's legal assistant, Teresa Hotard, forwarding a copy of the application "as filed with the USPTO today." Additionally, counsel states in the petition that the letter confirms that the CIP application "had been filed on that day."

The Office is construing the above-referenced letter as being sent to the client after and within one business day of the deposit of the application in Express Mail. Petitioners must notify the Office if this is an incorrect interpretation.

In view of the evidence present in the file, it is concluded that the correct date of deposit of the application in Express Mail service is 20 April, 2006.

In view of the above, the petition is granted.

The application is being referred to the Office of Initial Patent Examination for correction of the filing date to **20 April, 2006**.

Telephone inquiries may be directed to the undersigned at 571-272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

Mail Date: 04/21/2010

Applicant	: Corey Hartman	: DECISION ON REQUEST FOR
Patent Number	: 7583517	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/481,492	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/06/2006	: 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05-10-09

TO SPE OF : ART UNIT 5124

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/481507 Patent No.: 7396191

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

FOR IFW FILES:

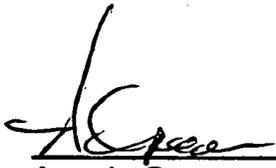
Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

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

FOR PAPER FILES:

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

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



Angela Green
Certificates of Correction Branch
703-756-1541

Thank You For Your Assistance

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

- | | |
|--|--|
| <input checked="" type="checkbox"/> Approved | All changes apply. |
| <input type="checkbox"/> Approved in Part | Specify below which changes do not apply. |
| <input type="checkbox"/> Denied | State the reasons for denial below. |

Comments: _____

BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER



SPE

Art Unit

3724



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United States Patent and Trademark Office
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QUINTERO LAW OFFICE, PC
615 Hampton Dr, Suite A202
Venice, CA 90291

Mail Date: 04/20/2010

Applicant : Yi-An Sha : DECISION ON REQUEST FOR
Patent Number : 7592052 : RECALCULATION of PATENT
Issue Date : 09/22/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/481,510 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/06/2006 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **336** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

QUINTERO LAW OFFICE, PC
615 Hampton Dr, Suite A202
Venice, CA 90291

Mail Date: 05/17/2010

Applicant	: Yi-An Sha	: NOTICE CONCERNING IMPROPER
Patent Number	: 7592052	: CALCULATION OF PATENT TERM
Issue Date	: 09/22/2009	: ADJUSTMENT BASED UPON USPTO
Application No	: 11/481,510	: IMPROPERLY MEASURING REDUCTION
Filed	: 07/06/2006	: PERIOD UNDER 37 CFR 1.704(c)(10).

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

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

The patent term adjustment has been determined to be **365** 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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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

IBM MICROELECTRONICS
INTELLECTUAL PROPERTY LAW
1000 RIVER STREET
972 E
ESSEX JUNCTION, VT 05452

Mail Date: 04/20/2010

Applicant	: John M. Aitken	: DECISION ON REQUEST FOR
Patent Number	: 7601602	: RECALCULATION OF PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/481,514	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **614** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/481,516 07/06/2006 Jun Yoon 678-2604 2607

7590 12/03/2008
THE FARRELL LAW FIRM, P.C.
333 EARLE OVINGTON BOULEVARD
SUITE 701
UNIONDALE, NY 11553

EXAMINER

BOST, DWAYNE D

ART UNIT PAPER NUMBER

2617

MAIL DATE DELIVERY MODE

12/03/2008

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 (handwritten signature)

Patent Publication Branch
Office of Data Management

Adjustment date: 12/04/2008 BPOWELL
07/10/2006 SSITHIRI 00000033 11481516
02 FC:1111 -500.00 OP

Adjustment Date: 12/04/2008 BPOWELL
04/10/2008 HTEKLEMI 00000005 500206 11932949
01 FC:2201 735.00 CR
02 FC:2202 4650.00 CR
03 FC:2203 185.00 CR

Repl. Ref: 12/04/2008 BPOWELL 0018113700
DAB:504053 Name/Number:11481516
FC: 9204 \$500.00 CR



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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/481,537	07/05/2006	3727	1000	SMBRP001D1	18	5	2

CONFIRMATION NO. 4426

CORRECTED FILING RECEIPT



OC00000020316387

022434
 BEYER WEAVER & THOMAS, LLP
 P.O. BOX 70250
 OAKLAND, CA 94612-0250

Date Mailed: 09/06/2006

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

Applicant(s)

Anthony Cadiente, Salinas, CA;
 William K. Sambrailo, Aptos, CA;
 Mark Sambrailo, Watsonville, CA;

Assignment For Published Patent Application

Sambrailo Packaging, Inc.

Power of Attorney: The patent practitioners associated with Customer Number 022434.

Domestic Priority data as claimed by applicant

This application is a DIV of 10/017,893 12/12/2001 PAT 7,100,788
 which is a CIP of 09/590,631 06/08/2000 ABN
 which is a CON of 09/060,453 04/14/1998 PAT 6,074,676
 which is a CON of 08/591,000 01/24/1996 PAT 5,738,890

Foreign Applications

If Required, Foreign Filing License Granted: 07/31/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/481,537**

Projected Publication Date: 12/14/2006

Non-Publication Request: No

Early Publication Request: No

Title

Method and apparatus for packing and bi-directional cooling of produce

Preliminary Class

220

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).



ASHKAN NAJAFI, P.A.
6817 SOUTHPOINT PARKWAY
SUITE 2301
JACKSONVILLE FL 32216

COPY MAILED
AUG 12 2008

In re Application of :
SHULL, JAMES :
Application No. 11/481,538 : **DECISION ON PETITION**
Filed: 07/07/2006 :
Attorney Docket No. 604178B :

This is a decision on the petition under 37 CFR 181, filed March 21, 2008, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice of Allowance and Fee (s) Due of November 19, 2007, which set a three-month statutory period for reply. Accordingly, a reply was due on or before February 20, 2008. A Notice of Abandonment was mailed on March 14, 2008

Petitioner states that a timely reply in the form of a completed Part B – Fee(s) Transmittal and an authorization to charge the Deposit Account for the issue fee. Petitioner has submitted a copy of the previously mailed correspondence, bearing a certificate of mailing dated December 19, 2007, which would have rendered the reply timely if received.

The file record does not include the originally submitted reply. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time

has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely reply to the Notice of Allowance and Fee(s) Due is hereby withdrawn and the application restored to pending status.

The copy of the reply, including the authorization to charge the Deposit Account for the issue fee payment, received with the petition will be accepted in place of the reply shown to have been mailed on December 19, 2007. The \$720.00 issue fee has been charged to the Deposit Account as requested.

This application is being referred to the Office of Data Management for issuance of the patent.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

ELECTRONIC FILING

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. : 7,229,405 B2 Confirmation No. : 2707
Inventors : Lilip Lau et al.
Issued : June 12, 2007
Art Unit : 3735
Examiner : Samuel G. Gilbert
Title : CARDIAC HARNESS DELIVERY DEVICE AND METHOD OF
USE

Docket No. : PARCR 70677
Customer No. : 24201

November 28, 2007

REQUEST FOR SUPPLEMENTAL CERTIFICATE OF CORRECTION
TO CORRECT PATENT OFFICE ERROR

Certificate of Correction Department
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The above-identified patent has been found to have the error set forth in the enclosed Supplemental Certificate of Correction. It is requested that this Supplemental Certificate of Correction be issued and returned to us. Since the error occurred in the final printing phase of the patent, no fee is enclosed. However, should the Office determine that a fee is required, please charge Deposit Account No. 06-2425.

The error is verifiable in the patent application file as follows:

ERRORS

Title page, U.S. PATENT DOCUMENTS,
Page 2, delete "5,382,528" and insert
--5,285,528--.

VERIFICATION

Information Disclosure Statement
considered by Examiner on December
24, 2006. See attachment, page 1.

Page 2 of attachment shows 5,382,528
listed on the patent.

Page 3 of attachment is face page of
5,382,528 to Scoville, not Wilk.

Page 3 of attachment is face page of
5,385,528 to Wilk.

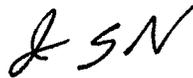
We respectfully request that this Supplemental Certificate of Correction be expeditiously issued since the error reported herein was incurred through the fault of the United States Patent and Trademark Office. This Supplemental Certificate of Correction does not supersede the previous Certificate of Correction issued on November 6, 2007. Attached hereto is Form PTO-1050 which is suitable for printing.

This document is being transmitted electronically.

Date: November 28, 2007

Respectfully submitted,

FULWIDER PATTON LLP



By: /John S. Nagy/
John S. Nagy, Registration No. 30,664

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO. : 7,229,405 B2
DATED : June 12, 2007
INVENTOR(S) : Lilip Lau and Joshua Wallin

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

Title page, U.S. PATENT DOCUMENTS, delete "5,382,528" and insert --5,285,528--.

MAILING ADDRESS OF SENDER:

John S. Nagy
Fulwider Patton LLP
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045

PATENT NO. 7,229,405 B2

No. of additional copies

Page 1 of 1

This collection of information is required by 37 CFR 1.322 and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief of 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 FORM TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20080730

DATE : July 30, 2008

TO SPE OF : ART UNIT 3735

SUBJECT : Request for Certificate of Correction on Patent No.: 7,229,405

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

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

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

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

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

Thank You For Your Assistance

Certificates of Correction Branch

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

Note your decision on the appropriated box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments:

The request for correction requests that the wrong patent number be inserted on the cover of the patent. Patent No. 5,285,528 has not been considered by the examiner in the prosecution of this patent application.

SPE: /Charles Marmor, II/

Art Unit 3735



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

LOUIS J, FRANCO
LAW OFFICE OF LOUIS J, FRANCO
250 ARBOR
LUNENBURG, MA 01462

COPY MAILED

JAN 28 2009

OFFICE OF PETITIONS

In re Application of :
Jonathan Martin Mooney :
Application No. 11/481,572 : **ON PETITION**
Filed: July 6, 2006 :
Attorney Docket No. 2005-101.CIP :

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

The application became abandoned for failure to respond to the Notice of Allowability mailed June 20, 2008. A Notice of Abandonment was mailed on October 15, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of two sheets of replacement drawings containing Figures 5A-5B and Figure 7; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2/9/09

TO SPE OF : ART UNIT 2827 (2800)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/481,576 Patent No.: 7,447,074
Attn: Michael Tran

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

***ATTN: Ok to enter changes to claims as requested in COCIN?**

Ernest C. White, LIE
Certificates of Correction Branch
703-308-9390 ext.122

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

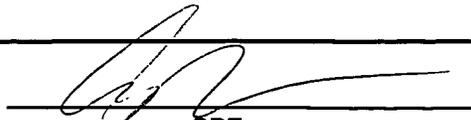
Approved in Part

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

Denied

State the reasons for denial below.

Comments: _____


SPE

2827
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/481,591 07/06/2006 Do-Hun Cha 5000-1-887 5140

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.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 09/12/2008 BPowell
07/10/2006 CNGUYEN2 00000073 11481591
02 FC:1111 -500.00 OP

Refund Ref: 0030061073
09/12/2008

Credit Card Refund Total: \$500.00

Am Exp.: XXXXXXXXXXXX1007



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.
11/481,594	07/06/2006	Ernest Butler	5369-65CIP	5062

7590 11/28/2006
COHEN, PONTANI, LIEBERMAN & PAVANE LLP
Suite 1210
551 Fifth Avenue
New York, NY 10176

EXAMINER

LOWEN, ALYSSA

ART UNIT PAPER NUMBER

3711

DATE MAILED: 11/28/2006

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COHEN, PONTANI, LIEBERMAN & PAVANE LLP
Suite 1210
551 Fifth Avenue
New York NY 10176

In re Application of:	:	
<u>BUTLER, ERNEST</u>	:	DECISION ON PETITION TO
Serial No.: 11/481,594	:	MAKE SPECIAL FOR NEW
Filed: July 6, 2006	:	APPLICATION UNDER 37
Docket: 5369-65CIP	:	C.F.R. § 1.102 & M.P.E.P. §
Title:	:	708.02 (VIII)
MODEL TOY AIRCRAFT	:	

This is a decision on the petition filed on Aug. 24, 2006 to make the above-identified application special under the accelerated examination procedure set forth in MPEP § 708.02(VIII) and in accordance with 37 C.F.R. § 1.102(d).

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

In support of the petition, petitioner provides: a) the applicable fee; b) a statement that a search has been made, Design Class 12, Subclasses 300, 309, 610, 324; Class 114, Subclass 61.1, 271, 272; Class 180, Subclass 116; Class 244, Subclass 1R, 101, 105, Class 446, subclasses, 160, and 163; c) an IDS with copies of cited references; and d) a detailed discussion of the references.

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

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

Regarding the requirement of MPEP § 708.02(VIII)(b), it states that all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously

directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status. In the petition, this statement was omitted.

Regarding the requirement of MPEP § 708.02(VIII)(e), 37 CFR § 1.111 (b) states “[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.” 37 CFR § 1.111 (c) states in part “the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made.” The applicant provides a discussion of the cited references but does not point out the particular language that distinguishes the independent claim 1, filed on Aug. 24, 2006, from these references. The applicant’s general allegations that the invention is patentable over the references run contrary to 37 CFR § 1.111 (b), which does not allow for general allegations. Applicant’s repeated general allegation that the references do not teach or suggest “a step on the lower surface” as stated in claim 1 is insufficient because no such limitation is found in claim 1. This general allegation runs contrary to 37 CFR § 1.111 (b). Rather, each independent claim must be compared with each reference, and the differences between the two must be clearly stated. 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).

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) a statement that all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status; and (b) a detailed discussion of each of the cited 16 references that clearly points out the specific language in the independent claim that distinguishes over the references.

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. The application is being forwarded to the Supervisory Patent Examiner of Art Unit 3711 for further process.


Henry C. Yuen,
Special Program Examiner
Technology Center 3700
Tel: 571-272-4856

COHEN, PONTANI, LIEBERMAN & PAVANE LLP
Suite 1210
551 Fifth Avenue
New York NY 10176

mailed 1/8/07

In re Application of: BUTLER, ERNEST et al :
Appl. No.: 11/481,594 :
Filed: Jul. 6, 2006 :
For: MODEL TOY AIRCRAFT :
DECISION ON PETITION to
make SPECIAL under 37 CFR
1.102

This is a decision on the Dec. 8, 2006 request for reconsideration of the petition filed on Aug. 24, 2006 to make the above-identified application special under the accelerated examination procedure set forth in MPEP § 708.02(VIII) and in accordance with 37 C.F.R. § 1.102(d).

The petition to make the application special is Granted.

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

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

Any inquiry regarding this decision should be directed to Henry Yuen at 571-272-4856.

Petition GRANTED


Henry C. Yuen, Special Program Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products



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

PATENT DEPARTMENT
ROVI CORPORATION
2830 DE LA CRUZ BOULEVARD
SANTA CLARA, CA 95050

Mail Date: 04/21/2010

Applicant	: Carmen Laura Basile	: DECISION ON REQUEST FOR
Patent Number	: 7609944	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/481,605	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **293** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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J.M. HUBER CORPORATION LAW DEPARTMENT
333 THORNALL STREET
EDISON, NJ 08837

MAILED

MAR 30 2009

In re Application of :
David K. **FRIDAY**, et al. :
Application No. 11/481,613 :
Filed: July 6, 2006 :
Attorney Docket No. 06-207 :

OFFICE OF PETITIONS
DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 27, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 17, 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

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

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 previously filed information disclosure statement of February 18, 2009.

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

cc: **WYATT TARRANT & COMBS, LLP**
1715 AARON BRENNER DRIVE
MEMPHIS, TN 38120-4367

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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DATE : March 30, 2009
TO : Director, Office of Patent Publication
FROM : Office of Petitions
SUBJECT : Withdrawal from Issue of **Application No. 11/481,613**

Applicant(s) : David K. FRIDAY, et al.
Application No. : 11/481,613
Filed : March 31, 2009

The above-identified application has been assigned Patent No. 7,510,602 and an issue date of March 31, 2009.

It is hereby directed that this application be withdrawn from issue at the request of the applicant. Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of March 31, 2009:

"All reference to Patent No. 7,510,602 to David K. FRIDAY, et al. of Harve De Grace, Maryland for AIR FILTRATION MEDIA COMPRISING OXIDIZING AGENT-TREATED METAL-DOPED SILICON-BASED GEL AND ZEOLITE MATERIALS appearing in the Official Gazette of * should be deleted since no patent was granted."

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

cc: Paul Harrison
Deneise Boyd
Mary Louise McAskill
Niomi Farmer
Mary E. Johnson (Cookie)
Duane Davis (CDS)
Brad Harris
Kimberly Terrell
Lamont Fletcher



LOEFFLER JONAS & TUGGEY, LLP
755 EAST MULBERRY STREET
SUITE 200
SAN ANTONIO TX 78212

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SEP. 04 2007

OFFICE OF PETITIONS

In re Application of
Bradley J. Skorepa et al.
Application No. 11/481,621
Filed: July 6, 2006
Attorney Docket Number: 80439.00004

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b),¹ filed June 21, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on October 3, 2006 after the applicant failed to file a timely response to the Notice To File Corrected Application Papers mailed August 1, 2006 which set a two (2) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained prior to the abandonment. Accordingly, a Notice of Abandonment was mailed April 4, 2006.

Receipt of the replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 is acknowledged.

Additionally, the petition does not set forth that the entire delay from the due date of the required reply to the date of the filing of a grantable petition was unintentional as

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

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

required by 37 CFR 1.137(b)(3). However, the statement contained in the instant petition is being so construed. Petitioner **must** notify the Office if this is not a correct interpretation.

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

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

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive style with a large initial "P".

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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DEAN D. SMALL
THE SMALL PATENT LAW GROUP LLP
225 S. MERAMEC, STE. 725T
ST. LOUIS, MO 63105

Mail Date: 04/20/2010

Applicant	: Deborah Ruth Zelnik	: DECISION ON REQUEST FOR
Patent Number	: 7603730	: RECALCULATION OF PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/481,627	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **490** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



PAUL V. KELLER, LLC
4585 LIBERTY RD.
SOUTH EUCLID OH 44121

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FEB 20 2007

In re Application of
McCarthy
Application No. 11/481,635
Filed: July 6, 2006
Attorney Docket No. 06-ERC-175

OFFICE OF PETITIONS
DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(2)

This is a decision on the petition under 37 CFR 1.102(c)(2)(i) filed July 6, 2006, to make the above-identified application special based on the invention (a) materially enhancing the quality of the environment as set forth in M.P.E.P. § 708.02, Section V.

The petitions are **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(i) and MPEP § 708.02, Section V: Environmental Quality, must state that special status is sought because the invention materially enhances the quality of the environment by contributing to the restoration or maintenance of basic life-sustaining natural elements. If the disclosure is not clear on its face that the claimed invention materially enhances the quality of the environment by contributing to the restoration or maintenance of one of the basic life-sustaining natural elements, the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. No fee is required.

Petitioner's submission fails to meet the criteria set out with respect to materially enhancing the quality of the environment by contributing to the restoration or maintenance of basic life-sustaining natural elements as set forth in M.P.E.P. § 708.02 (V). The specification and claims as originally filed indicate the invention is directed to systems and method for controlling emissions. However, the instant petition fails to meet the materiality standard of 37 CFR 1.102(c)(2)(i). Although the invention may be directed to controlling NO_x emissions from diesel engines the materiality standard of the rule has not been met, i.e., petitioner has failed to state how the claimed invention contributes in an significant, substantial, or noticeable manner to the maintenance of basic life-sustaining natural elements. As a result, no contribution to the restoration or maintenance of basic life-sustaining natural elements has been persuasively shown.

This lack of meeting the materiality standards of 37 CFR 102(c)(2) (i) does not permit the applicant to enjoy the benefit of advanced examination.

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

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

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

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Jefferey Harold at 571-272-7519, 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 3748 for action in its regular turn.


David Bucci
Petitions Examiner
Office of Petitions



MONAHAN & MOSES, LLC
13-B W. WASHINGTON ST.
GREENVILLE SC 29601

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APR 14 2008

OFFICE OF PETITIONS

Applicant: Kehrmann
Appl. No.: 11/481,651
Filing Date: July 6, 2006
Title: MIXTURE OF RAW MATERIALS FOR THE PRODUCTION OF A CEMENT CLINKER, A CEMENT CLINKER AND A CEMENT
Attorney Docket No.: KEH-001
Pub. No.: 2007/0208215 A1
Pub. Date: January 11, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 20, 2007, for the above-identified application and a request for republication under 37 CFR 1.221(a) received on March 16, 2007.

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

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

Applicant requests that the application be republished because the patent application publication contains a material error wherein claim 1 was improperly omitted from the publication.

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

The error noted by requestor wherein claim 1 was omitted from the publication may be an Office error, but it is not a material Office error under 37 CFR 1.221. The error noted by requestor with respect to omitted claim 1 is not a material Office error because the amendment to the claims submitted by applicant on July 6, 2006 did not include a copy of claim 1 in compliance with 37 CFR 1.121.

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

The request for republication under 37 CFR 1.221(a) is not in compliance with the Office electronic filing system requirements. The copy of the application submitted on a disc does not comply with the Office electronic filing systems requirements. The copy of the application must be submitted via EFS to be in compliance with the electronic filing systems requirements. See MPEP 1130 and Retirement of Electronic Filing System - Application Body Extensible Markup Language (EFS-ABX) and Electronic Packaging and Validation Engine (ePAVE) Components, 1311 Off. Gaz. Office Notices 155 (Oct. 15, 2006).

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 (voice).



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



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CHIEN-HUI SU
P. O. BOX 70-121 TAICHUNG
TAICHUNG CITY 40899 TW TAIWAN

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MAR 12 2009

OFFICE OF PETITIONS

In re Application of	:	
Tsai et al.	:	
Application No. 11/481,681	:	ON PETITION
Filed: July 7, 2006	:	
Attorney Docket No. J5P6041-GFP-953698	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed November 14, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely reply to the non-final Office action mailed February 27, 2007. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on May 28, 2007. A Notice of Abandonment was mailed October 4, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply,
- (2) the petition fee,
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.²

The instant petition does not lack any of the above items. However, the petition must be signed by:

- (1) An attorney or agent of record appointed in compliance with § 1.34(b);
- (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);

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).

(3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;

(4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undividing part interest; or

(5) All of the applicants (§§ 1.42, 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.

Currently, the instant petition has only been signed by one of the two listed inventors. Both inventors must sign the petition.

Further, the Revocation of Power of Attorney submitted with the instant petition cannot be accepted as there are no registered attorneys associated with Customer Number 79523. Thus, Customer Number 79523 has only been used to designate the address associated with the Customer Number as the correspondence address of the application.

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



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TAICHUNG CITY 40899 TW TAIWAN**

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OFFICE OF PETITIONS

In re Application of :
Tsai et al. :
Application No. 11/481,681 : **ON PETITION**
Filed: July 7, 2006 :
Attorney Docket No. GFP-953698 :

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed March 23, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition now satisfies the requirements of 37 CFR 1.137(b).

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

This matter is being referred to Technology Center AU 3682 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions



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OFFICE OF PETITIONS

In re Application of: :
Liao et al. :
Application No. 11/481,686 : DECISION DISMISSING
Filed: July 6, 2006 : PETITION UNDER
For: DOCUMENT RANKING WITH :
SUB-QUERY SERIES :

This is in response to the Petition Under 37 CFR § 1.47(a), filed December 16, 2005, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s).

The petition is dismissed.

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

The above-identified application was filed on July 6, 2006, without, a fully executed oath or declaration. Applicant files the instant petition and asserts that despite diligent effort to locate the nonsigning inventor, Applicant has been unable to locate the nonsigning inventor. Attempts made to locate the nonsigning inventor include mailing a copy of the application to the last known address of the nonsigning inventor via certified mail and via Federal Express; emailing the nonsigning inventor at his email address, and attempting to contact the nonsigning inventor by telephone.

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 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 in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

Here, Applicant's provide that he sent mail to the last known mailing address of the nonsigning inventor; sent an email to the last email address, and attempted to telephone the nonsigning inventor, and conclude that diligent efforts have been made. However, Applicant has not provided any indication that a search for the nonsigning inventor was conducted. At the very least, an Internet search, or a search of telephone directories should be undertaken of the regions where it is suspected the non-signing inventor may reside. Copies of the results of such searches must be referred to in any renewed petition. It is important that the forthcoming communication contain statements of fact as opposed to conclusions. See, MPEP § 409.03(d).

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

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

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

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

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



Derek L. Woods
Attorney
Office of Petitions



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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MCDONALD HOPKINS CO., LPA
600 SUPERIOR AVE., E.
SUITE 2100
CLEVELAND, OH 44114

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APR 27 2007

OFFICE OF PETITIONS

In re Application of	:	
Liao et al.	:	
Application No. 11/481686	:	DECISION NOTING
Filing or 371(c) Date: 07/06/2006	:	JOINDER OF
Title of Invention:	:	INVENTORS
DOCUMENT RANKING WITH	:	
SUB-QUERY SERIES	:	

This is in response to the Request for Reconsideration of Petition Under 37 CFR 1.47(a), filed December 1, 2006, and supplemented with an executed oath/declaration on January 30, 2007, noting the joinder of the inventor. The delay in treating this petition is regretted.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is not necessary and the Renewed 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).

The Declaration has been entered and made of record.

This application 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) 272-3232.


Derek L. Woods
Attorney
Office of Petitions



MARTIN E HSIA
12TH FLOOR
1000 BISHOP STREET
HONOLULU HI 96813

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DEC 04 2008

OFFICE OF PETITIONS

In re Application of :
Glen D. Lindbo :
Application No. 11/481,694 : ON PETITION
Filed: July 6, 2006 :
Attorney Docket No. 2006-3 :

This is a decision on the petition under 37 CFR 1.10(c), filed October 14, 2008, which is being treated as a petition under 37 CFR 1.10(d) to accord the above application a filing date of July 3, 2006.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.10." This is **not** a final agency decision within the meaning of 5 USC 704.

Petitioner argues that the above-identified application was filed on July 3, 2006, not July 6, 2006. In support thereof, petitioner has explained that the application was filed via

Express Mail (Express Mail no. ET 837256981 US) via a USPS drop box. Petitioner has included a copy of a mail log. The log contains 4 columns - "Last Scheduled Pick-Up", "Account No.", "Client / Applicant", and "Description". Petitioner has also included a copy of an affidavit from the attorney who made the deposit, stating that the application papers were deposited at approximately 8:55am on July 3, 2006.

37 CFR 1.10(d) states that any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

- (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;

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

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

Petitioner is directed to MPEP 513(II), which states:

Parties who do use drop boxes can protect themselves from uncertainty due to illegible mailing labels by routinely maintaining a log of "Express Mail" deposits in which notations are entered by the person who deposited the correspondence as "Express Mail" within one business day after deposit with the USPS. Such evidence could be useful to later support a petition filed under 37 CFR 1.10(c), (d) or (e). Evidence that came into being after deposit and

within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains information such as the "Express Mail" number; the application number, attorney docket number or other such file identification number; **the place, date and time of deposit**; the time of the last scheduled pick-up for that date and place of deposit; **the depositor's initials or signature; and the date and time of entry in the log** (emphasis added).

On request for reconsideration, petitioner is requested to supply the Office with the following information:

- where the initials or signature is in the log book.
- where the date of entry is present in the log book.

If the affiant is the only person who makes entries in the log book, petitioner should so state for the record.

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

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

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

Telephone inquiries concerning this decision may be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions



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United States Patent and Trademark Office
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1000 BISHOP STREET
HONOLULU HI 96813

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OFFICE OF PETITIONS

In re Application of :
Glen D. Lindbo :
Application No. 11/481,694 : ON PETITION
Filed: July 3, 2006 :
Attorney Docket No. 2006-3 :

This is a decision on the renewed petition under 37 CFR 1.10(d), filed February 2, 2009, to accord the above application a filing date of July 3, 2006.

The petition is **GRANTED**.

In a petitioner filed October 14, 2008, Petitioner argued that the above-identified application was filed on July 3, 2006, not July 6, 2006. In support thereof, petitioner explained that the application was filed via Express Mail (Express Mail no. ET 837256981 US) via a USPS drop box. Petitioner included a copy of a mail log. The log contained 4 columns - "Last Scheduled Pick-Up", "Account No.", "Client / Applicant", and "Description". Petitioner also included a copy of an affidavit from the attorney who made the deposit, stating that the application papers were deposited at approximately 8:55am on July 3, 2006.

However, the petition was dismissed in a decision mailed on December 4, 2008. The decision pointed out that the log did not fully comply with MPEP 513(II), in that the log did not contain the date and time of deposit, or the depositor's initials/signature or the date and time of entry in the log.

37 CFR 1.10(d) states that any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail"

mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;

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

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

With the instant renewed petition, petitioner has submitted a satisfactory log book.

Accordingly, it is concluded that the application was filed (i.e. deposited with the USPS as Express Mail) on July 3, 2006.

Given the basis for granting this petition, no fee was required, and none has been charged.

The application file is being forwarded to the Office of Patent Application Processing for further processing with a filing date of **July 3, 2006, not July 6, 2006.**

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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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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MACMILLAN SOBANSKI & TODD, LLC
ONE MARITIME PLAZA FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604-1619

Mail Date: 04/21/2010

Applicant	: Martin Cann	: DECISION ON REQUEST FOR
Patent Number	: 7570475	: RECALCULATION OF PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/481,695	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/06/2006	: 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.



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**WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050**

In re Application of :

CASIMIRO, Jose E. M. et al. :

Application No. 11/481,707 :

Filed: July 05, 2006 :

Attorney Docket No. **30797-718.401** :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

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

The request is **APPROVED**.

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

The request was signed by Mary Ann Stretch on behalf of all attorneys of record who are associated with customer No. 21971. All attorneys/agents associated with the Customer Number 21971 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed August 28, 2008 that requires a reply from the applicant.

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



Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **JOSE ENRIQUE MONTERO CASIMIRO**
CALLE 314 NO. 2916, LA LISA
CIUDAD HABANA 17100
CUBA

cc: **CENTRO DE INMUNOLOGIA MOLECULAR**
CALLE 216 Y 15 SIBONEY PLAYA
HABANA 12100
CUBA



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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HARNESS DICKEY & PIERCE, PLC.
7700 BONHOMME, SUITE 400
ST LOUIS, MO 63105

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AUG 20 2008

In re Application of :
SCHEITER, PAUL A. :
Application No. 11/481,715 : DECISION ON PETITION
Filed: July 6, 2006 : TO WITHDRAW
Attorney Docket No. 9083-000002/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 May 28, 2008.

The request is DISMISSED as moot.

A review of the file record indicates that the power of attorney to HARNESS DICKEY & PIERCE, PLC. has been revoked by the assignee of the patent application on June 5, 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 inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

CC: POLSTER LIEDER WOODRUFF & LUCCHESI
12412 POWERSCOURT DRIVE, SUITE 200
ST. LOUIS, MO 63131-3615



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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Polster, Lieder, Woodruff & Lucchesi, L.C.
12412 Powerscourt Dr. Suite 200
St. Louis, MO 63131-3615

Mail Date: 04/21/2010

Applicant	: Paul Alan Scheiter	: DECISION ON REQUEST FOR
Patent Number	: 7587827	: RECALCULATION OF PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/481,715	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **313** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 RAY & ASSOCIATES
2640 PITCAIRN ROAD
MONROEVILLE PA 15146**

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FEB 05 2007

OFFICE OF PETITIONS

In re Application of :

WOOD, Harrill D. :

Application No. 11/481,727 :

Filed: July 6, 2006 :

Attorney Docket No. HDW 06125 :

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 July 6, 2006, to make the above-identified application special based on applicant's health as set forth in M.P.E.P. § 708.02, Section III.

The petition is **DISMISSED**.

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

The instant petition does not include an affidavit from inventor's doctor, attesting to his state of health such that he might not be available to assist in the prosecution of the application if it were to run its normal course.

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

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

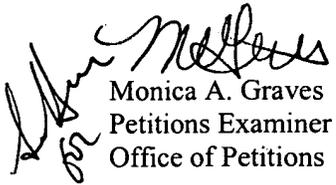
By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

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

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 3771 for action in its regular turn.


Monica A. Graves
Petitions Examiner
Office of Petitions

Conferee:
Amelia Au



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EMCH, SCHAFFER, SCHAUB & PORCELLO CO.
P.O. BOX 916
ONE SEAGATE SUITE 1980
TOLEDO OH 43697

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AUG 09 2007

OFFICE OF PETITIONS

In re Application of :
Amy Sell et al :
Application No. 11/481,746 : DECISION GRANTING PETITION
Filed: July 5, 2006 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 06028/6717AUS :

This is a decision on the petition under 37 CFR 1.137(b), filed March 14, 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 substitute drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice To File Corrected Application Papers of August 2, 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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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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PVF -- SUN MICROSYSTEMS INC.
C/O PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

Mail Date: 04/21/2010

Applicant	: Gregory R. Ruetsch	: DECISION ON REQUEST FOR
Patent Number	: 7664622	: RECALCULATION OF PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/481,747	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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



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FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK NY 10103-3198

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OCT 31 2006

OFFICE OF PETITIONS

In re Application of	:	
Jonas Ulenas	:	
Application No. 11/481,770	:	DECISION ON PETITION
Filed: July 5 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. NY-JONAS 203-US2-CONT	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 11, 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 copy of inventor's passport. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to April Wise 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 3627 for action on the merits commensurate with this decision.

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



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SEP 29 2009

OFFICE OF PETITIONS

KEVIN REDMOND
6960 SW GATOR TRAIL
PALM CITY, FL 34990

In re Application of
Fernando MIRANDA
Application No. 11/481,774
Filed: July 6, 2006
Attorney Docket No. **0145D**

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 4, 2009.

The request is **NOT APPROVED**.

The request to withdraw as attorney/agent of record and change of correspondence address is hereby not accepted. Petitioner has not complied with current USPTO requirements, set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. 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 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.

Petitioner has not complied with 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.

The Office will also no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). All future communications from the Office will be directed to the above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address has been submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 7253. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

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



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.
11/481,798	07/07/2006	Je-geol Kim	0086.1013	4758

7590 05/13/2009
STEIN MCEWEN, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON, DC 20005

EXAMINER

ZIMMERMAN, BRIAN A

ART UNIT PAPER NUMBER

2612

MAIL DATE DELIVERY MODE

05/13/2009

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 05/13/2009 BPOWELL
07/10/2006 CHGUYER2 00000090 11481798
02 FC:1111 -500.00 OP
04 FC:1201 -600.00 OP

Repln. Ref: 05/13/2009 BPOWELL 0016330900
DAR:150461 Name/Number:11984193
FC: 0204 \$2610.00 CR

Adjustment date: 05/13/2009 BPOWELL
07710/2006 CNGUYEN2 00000090 11481798
02 FC:1111 -500.00 OP
04 FC:1201 -600.00 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

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

Mail Date: 04/21/2010

Applicant	: Sung-dae Kim	: DECISION ON REQUEST FOR
Patent Number	: 7610000	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/481,815	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **654** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

Mail Date: 04/21/2010

Applicant	: Sang-ki Min	: DECISION ON REQUEST FOR
Patent Number	: 7612962	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/481,827	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **515** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



COPY MAILED

SEP 25 2009

OFFICE OF PETITIONS

STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE CA 92618

In re Patent No. 7,547,113 :
Issue Date: June 16, 2009 :
Application No. 11/481,830 : **DECISION ON PETITION**
Filed: July 7, 2006 :
Attorney Docket No. IP8173P :

This is a decision on the Petition To Correct PTO Record, filed August 26, 2009, requesting correction on the Title Page of the subject patent, via issuance of a Certificate of Correction under 37 CFR 1.323, to identify the name of assignee. The Request has been treated as a Petition under 37 CFR 3.81. A completed Certificate of Correction Form (PTO/SB/44) was previously filed June 16, 2009.

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

Petitioner urges that the present Petition was submitted to correct the assignee's name on the previously submitted PTOL-85B and that such error was inadvertently included on form PTOL-85B. Accordingly, petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of a Certificate of Correction (PTO/SB/44), to correct the name of the assignee identified thereon from "Iprset (Taiwan) Co., Ltd., Taipei (TW)" to:

-Wei-Chiang Lee, Albany, CA-

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.

As such, the requisite \$100.00 fee (Fee Code 1811) as set forth under 37 CFR 1.20(a), and the requisite \$130.00 processing fee (Fee Code 1464) as set forth under 37 CFR 1.17(i) will be charged as authorized in the petition. Further, Office assignment records are consistent with the requested correction. However, after reviewing the records, a corrected Certificate of Correction was previously signed and sealed on July 14, 2009. (copy enclosed)

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.



Brian W. Brown
Petitions Examiner
Office of Petitions

Attachment: Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,547,113 B2
APPLICATION NO. : 11/481830
DATED : June 16, 2009
INVENTOR(S) : Wei-Chiang Lee

Page 1 of 1

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

On the Title Page, Item -73- The name of the Assignee has been corrected to read "Wei-Chiang Lee, Albany, CA (US)".

Signed and Sealed this
Fourteenth Day of July, 2009



JOHN DOLL
Acting Director of the United States Patent and Trademark Office

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Wei-Chiang Lee /
Application No: 11/481,830 /
U.S. Patent No: 7,547,113 /
Issue Date: June 16, 2009 /
For: FULL-COLOR LED-BASED /
LIGHTING DEVICE /

Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

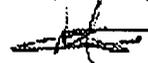
PETITION TO CORRECT PTO RECORD

Dear Sir:

Applicant hereby petitions the Commissioner for Patents to correct the face of the above-identified patent to correctly identify the Assignee as "Wei-Chiang Lee" as reflected by the Assignment recorded in the U.S. Patent and Trademark Office on April 28, 2009 at Reel/Frame 022603/0958 (2 pages).

The Commissioner is hereby authorized to charge any needed fees to Deposit Account 50-1600.

Respectfully submitted,



Kenton R. Mullins
Attorney for Applicant
Registration No. 36,331

Dated: August 26, 2009

STOUT, UXA, BUYAN & MULLINS, LLP
4 Venture, Suite 300
Irvine, CA 92618
Tel: 949-450-1750
Fax: 949-450-1764

09/25/2009 CKHL0K 00000010 501600 11481830
01 FC:1811 100.00 DA
02 FC:1464 130.00 DA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Wei-Chiang Lee /
/ U.S. Serial No: 11/481,830 / U.S. Patent No: 7,547,113
/ Filed: July 7, 2006 / Group Art Unit: 2875
/ For: FULL-COLOR LED-BASED / Examiner: ALLEN, DANIELLE NICOLE
LIGHTING DEVICE /

Mail Stop Department of Corrections
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR LETTERS PATENT CORRECTION

Dear Sir/Madam:

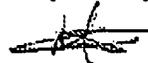
On May 12, 2009, Applicant filed an Issue Fee Payment form for the subject application.

On May 19, 2009, Applicant filed a **Replacement** Issue Fee Payment form, correcting the Assignee from "Iprset (Taiwan) Co., Ltd., Taipei (TW)" to "Wei-Chiang Lee, Albany, CA (US)."

In error, the USPTO still issued the Letters Patent with the incorrect Assignee information on June 16, 2009. Therefore, Applicant requests that the **first page of the Letters Patent be re-issued with the correct Assignee "Wei-Chiang Lee, Albany, CA (US)"** as reflected in the change in Assignment recorded on April 28, 2009.

The Commissioner is hereby authorized to charge any needed fees or credit any overpayment to Deposit Account 50-1600.

Respectfully submitted,



Kenton R. Mullins
Attorney for Applicant
Registration No. 36,331

Dated: July 16, 2009

STOUT, UXA, BUYAN & MULLINS, LLP
4 Venture, Suite 300
Irvine, CA 92618
Tel: 949-450-1750
Fax: 949-450-1764

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	/	
Wei-Chiang Lee	/	Confirmation No: 4706
	/	
U.S. Serial No: 11/481,830	/	Group Art Unit: 2875
	/	
Filed: July 7, 2006	/	Examiner: ALLEN, DANIELLE NICOLE
	/	
For: FULL-COLOR LED-BASED	/	
<u>LIGHTING DEVICE</u>	/	

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

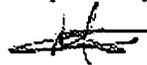
REPLACEMENT ISSUE FEE PAYMENT FORM

Dear Madam:

Submitted herewith is a replacement Issue Fee Payment form for the subject application, correcting the Assignee name and residence to WEI-CHIANG LEE, ALBANY, CA, the changes of which are reflected in the Assignment recorded on April 28, 2009. Applicant hereby requests that the Letters Patent be issued with the above-identified correction.

Kindly note that Applicant previously filed an Issue Fee Payment form on May 12, 2009, the fees of which were deducted from Deposit Account 50-1600 on May 13, 2009.

Respectfully submitted,



Kenton R. Mullins
Attorney for Applicant
Registration No. 36,331

May 19, 2009

STOUT, UXA, BUYAN & MULLINS, LLP
4 Venture, Suite 300
Irvine, CA 92618
Tel: 949-450-1750
Fax: 949-450-1764

Patent Assignment Abstract of Title

Total Assignments: 2

Application #: 11481830

Filing Dt: 07/07/2006

Patent #: 7547113

Issue Dt: 06/16/2009

PCT #: NONE

Publication #: US20070052376

Pub Dt: 03/08/2007

Inventor: Wei-Chiang Lee

Title: FULL-COLOR LED-BASED LIGHTING DEVICE

Assignment: 1

Reel/Frame: 021699 / 0452

Received: 10/17/2008

Recorded: 10/17/2008

Mailed: 10/20/2008

Pages: 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: LEE, WEI-CHIANG

Exec Dt: 10/09/2008

Assignee: IPRSET (TAIWAN) CO., LTD.

9F., NO. 15, SEC. 2, KEELUNG RD.

SINYI DISTRICT

TAIPEI, TAIWAN 110

Correspondent: STOUT, UXA, BUYAN & MULLINS LLP

4 VENTURE, SUITE 300

IRVINE, CA 92618

Assignment: 2

Reel/Frame: 022603 / 0958

Received: 04/28/2009

Recorded: 04/28/2009

Mailed: 04/28/2009

Pages: 2

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: IPRSET (TAIWAN) CO., LTD.

Exec Dt: 04/27/2009

Assignee: LEE, WEI-CHIANG

407 CORNELL AVE., APT. 3

ALBANY, CALIFORNIA 94706

Correspondent: STOUT, UXA, BUYAN & MULLINS LLP

4 VENTURE, SUITE 300

IRVINE, CA 92618

Search Results as of: 09/24/2009 10:12 AM

RAM Fee History
Query
Revenue Accounting and Management

Name/Number: 11481830

Total Records Found: 11

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
05/13/2009	00000008	<u>1</u>	<u>2501</u>	\$755.00	05/12/2009	DA 501600
05/13/2009	00000009	<u>1</u>	<u>1504</u>	\$300.00	05/12/2009	DA 501600
04/28/2009	00014964	<u>4</u>	<u>8021</u>	\$40.00	04/28/2009	DA 501600
10/29/2008	00000003	<u>1</u>	<u>1402</u>	\$540.00	10/17/2008	DA 501600
10/29/2008	00000002	<u>1</u>	<u>1401</u>	\$540.00	10/17/2008	DA 501600
10/20/2008	00007061	<u>4</u>	<u>8021</u>	\$40.00	10/17/2008	DA 501600
05/30/2008	00000002	<u>1</u>	<u>1806</u>	\$180.00	04/18/2008	DA 022448
04/22/2008	00000110	<u>1</u>	<u>2251</u>	\$60.00	04/18/2008	DA 022448
07/10/2006	00000210	<u>1</u>	<u>2111</u>	\$250.00	07/07/2006	CK
07/10/2006	00000209	<u>1</u>	<u>2011</u>	\$150.00	07/07/2006	CK
07/10/2006	00000211	<u>1</u>	<u>2311</u>	\$100.00	07/07/2006	CK



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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/481,839 07/07/2006 Byung-iae Lee 0085.1047 4702

7590 10/23/2008
STEIN, MCEWEN & BUI, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON, DC 20005

EXAMINER

BARRON JR, GILBERTO

ART UNIT PAPER NUMBER

2432

MAIL DATE DELIVERY MODE

10/23/2008

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.

Handwritten signature of Nomi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref: 0030062644
10/23/2008

Credit Card Refund Total: \$500.00

Am Exp.: XXXXXXXXXXXX1001

Adjustment date: 10/23/2008 NFARMER
07/10/2006 STEUNEL1 00000052 11481839
02 FC:1111 -500.00 OP

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1-8-09

Paper No.: _____

TO SPE OF : ART UNIT 1795

SUBJECT : Request for Certificate of Correction for Appl. No.: 11481840 Patent No.: 7333752

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Valerie Jackson
Certificates of Correction Branch
703-308-9390 ext. 114

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

SPE

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1-8-09

Paper No.: _____

TO SPE OF : ART UNIT 1795

SUBJECT : Request for Certificate of Correction for Appl. No.: 11481840 Patent No.: 7333752

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Valerie Jackson
Certificates of Correction Branch
703-308-9390 ext. 114

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: _____

/Mark F. Huff/

02/02/2009

1795

SPE

Art Unit



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

COPY MAILED
JAN 08 2007
OFFICE OF PETITIONS

In re Application of :
Asano et al :
Application No. 11/481,849 : ON PETITION
Filed: July 7, 2006 :
Attorney Dkt No. Q95910 :
Title: Semiconductor Memory :
:
:
:

This is a decision on the petition filed October 2, 2006, requesting in effect, the "Notice of Omitted Item(s) contained in the Notice to File Missing Parts in a Nonprovisional Application" ("Notice") be withdrawn, and the above-identified application be accorded a filing date of July 7, 2006 including figure 8.

The application was filed on July 7, 2006. However, on August 3, 2006, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of July 7, 2006 but figure 8 as described in the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends figure 8 as described in the specification was filed on July 7, 2006. In support, the petition is accompanied by a copy of applicants' return postcard which lists " 9 sheets of drawings. The petition is further accompanied by a copy of figure 8.

Applicants' postcard receipt is prima facie evidence that 9 sheets of drawings, including figure 8 were received on July 7, 2006. Therefore, it is concluded that figure 8 was received on July 7, 2006, as shown in counsel's file, and later misplaced in the office.

The petition is Granted. The \$400.00 petition fee will be refunded to deposit account 19-4880.

The application will be returned to the Office of Initial Patent Examination for further processing with a **filing date of July 7, 2006**, using the drawings submitted on July 7, 2006 and substitute figure 8 supplied with the petition on October 2, 2006.

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

A handwritten signature in cursive script that reads "Charlema R. Grant". The signature is written in black ink and is positioned above the typed name.

Charlema R. Grant
Petition Attorney
Office of Petitions



PFIZER INC
STEVE T. ZELSON
150 EAST 42ND STREET
5TH FLOOR - STOP 49
NEW YORK NY 10017-5612

COPY MAILED

MAR 18 2008

**OFFICE OF PETITIONS
ON PETITION**

In re Application of
Timothy Wood et al.
Application No. 11/481,859
Filed: July 5, 2006
Attorney Docket No. **PC26512C**

This is a decision on the petition filed January 17, 2008, to revive the above identified application under 37 CFR 1.137(b)¹.

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

This application became abandoned on August 14, 2007, for failure to file a timely response to a Restriction Requirement mailed July 13, 2007, which set a one month shortened statutory period for reply. No extensions of the time for reply under 37 CFR 1.136(a) were obtained prior to the expiration of the extendable period. The instant petition and this decision precede the mailing of the Notice of Abandonment.

The petition fee in the amount of \$1540.00 has been applied to the finance records for the instant patent application.

The response to the Restriction Requirement filed January 17, 2008 will be referred to Technology Center 1652 for further 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 require additional information where there is a question whether the delay was unintentional; and

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



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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

Mail Date: 04/21/2010

Applicant : Lars Weisensel : DECISION ON REQUEST FOR
Patent Number : 7648932 : RECALCULATION of PATENT
Issue Date : 01/19/2010 : TERM ADJUSTMENT IN VIEW
Appliction No : 11/481,874 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/05/2006 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **35** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

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JUL 21 2009

OFFICE OF PETITIONS

In re Application of
Grigore Axinte
Application No. 11/481,878
Filed: July 6, 2006
Attorney Docket No. 573878017US01

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 19, 2009.

The request is **APPROVED**.

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

The request was signed by Kenneth H. Ohriner on behalf of all attorneys of record who are associated with Customer No. 25096.

All attorneys/agents associated with the Customer No. 25096 have been withdrawn.

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

All future correspondence will be directed to the assignee of record "Hyperion Innovation, Inc." at the address list listed in the request.

The application is now abandoned for failure to respond to the non-final Office action mailed October 8, 2008.

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

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Hyperion Innovation, Inc.
1750 112th Avenue N.E., Suite C-100
Bellevue, WA 98004-3700



FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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JAN 09 2007

OFFICE OF PETITIONS

In re Application of :
Huang et al. :
Application No. 11/481879 : DECISION ON PETITION
Filed: 07/06/2006 :
Attorney Docket No. 21255- :
002001 :

This is a decision on the "PETITION TO SUSPEND THE RULES UNDER 37 C.F.R. § 1.183" and "PETITION TO GRANT ORIGINAL FILING DATE" filed on 11 October, 2006, are treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of 6 July, 2006, with one (1) sheet of drawings containing Figures 10C & 10D described in the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 6 July, 2006.

Accordingly, on 31 July, 2006, Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application, stating that the application had been accorded a filing date of 6 July, 2006, but that Figures 10C and 10D described in the specification appeared to have been omitted. An oath or declaration in compliance with 37 CFR 1.63 was also required.

In response, on 11 October, 2006, the present petition and, *inter alia*, a copy of one (1) sheet of drawings containing Figures 10C and 10D were filed. A declaration as required by 37 CFR 1.63 and a one (1) month extension of time were also filed. Petitioners argue that Figures 10C and 10D were filed with the other application papers on 6 July, 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 "070606" and the above-identified application

number, and identifies the application by the attorney docket number, invention title, and inventor's name, and acknowledges receipt of, *inter alia*, "Drawings (14 pages)". Petitioners request that the application, including one (1) sheet of drawings containing Figures 10C & 10D, be accorded a filing date of 6 July, 2006.

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

The "Notice" mailed on 31 July, 2006, is vacated to the extent that it states that Figures 10C and 10D described in the specification appeared to have been omitted from the application.

In view of the above, the petition is granted. The petition fee will be credited to counsel's deposit account.

The application will be processed with the copy of one (1) sheet of drawings containing Figures 10C and 10D supplied on 11 October, 2006, as a part of the original disclosure.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 6 July, 2006, using the application papers filed on that date and the copy of one (1) sheet of drawings containing Figures 10C and 10D supplied with the present petition, and for an indication in Office records that 14 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 061109

DATE : 6/11/09

TO SPE OF : ART UNIT 2877 (2800)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/481,885 Patent No.: 7,511,809
Attn: Layla Lauchman

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Ernest C. White, LIE

Certificates of Correction Branch
703-308-9390 ext.122

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments: OK to enter.

/Gregory J. Toatley, Jr./ 2877

SPE

Art Unit



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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 04/20/2010

Applicant	: Hideki Itaya	: DECISION ON REQUEST FOR
Patent Number	: 7597467	: RECALCULATION OF PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/481,892	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **68** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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BAKER & HOSTETLER LLP
WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE. N.W.
WASHINGTON DC 20036-5304

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OFFICE OF PETITIONS

In re Application of :
Yan :
Application No. 11/481,898 : **DECISION ON PETITION**
Filed: July 7, 2006 :
Attorney Docket No. 56816.1720 :

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

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability, mailed March 23, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on June 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 corrected drawings, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

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

This application is being referred to the Office of Data Management for consideration of the corrected drawings.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



WILEY, REIN & FIELDING, LLP
ATTN: PATENT ADMINISTRATION
1776 K. STREET N.W.
WASHINGTON DC 20006

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OFFICE OF PETITIONS

In re Application of

Peter A. Lewis

Application No. 11/481,899

Filed: July 07, 2006

Attorney Docket No. 82842-0001

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(2)(iii)

This is a decision on the petition under 37 CFR 1.102(c)(2)(iii), filed July 07, 2006, to make the above-identified application special based on the invention materially contributing to countering terrorism as set forth in M.P.E.P. § 708.02, Section XI.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(iii) and MPEP § 708.02, Section XI: Countering Terrorism, must state that special status is sought because the invention materially contributes to countering terrorism. No fee is required for such a petition. See 37 CFR 1.102(c). If the application disclosure is not clear on its face that the claimed invention is materially directed to countering terrorism, the petition must be accompanied by a statement under 37 CFR 1.102 by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the invention materiality contributes to countering terrorism. No fee is required.

The instant petition fails to how the invention meets the materiality standard. The instant invention is directed to a hyperbaric chamber. Although the invention may be utilized in a manner to provide emergency care etc. subsequent to a terrorist attack, as explained in the petition, the invention does not, in itself materially contribute to countering terrorism. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could counter terrorism.

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 3772 for action in its regular turn.


David Bucci
Petitions Examiner
Office of Petitions



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OFFICE OF PETITIONS

TROXELL LAW OFFICE, PLLC
P.O. BOX 1370
ANNANDALE, VA 22003

In re Application of	:	
Deng-His Chen	:	
Application No. 11/481,948	:	ON PETITION
Filed: July 7, 2006	:	
Attorney Docket No. 3126-546	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 24, 2009, to revive the above-identified application.

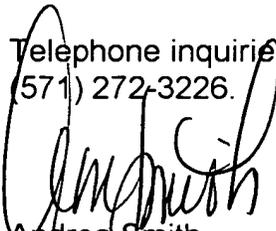
The application became abandoned for failure to file a reply to the non-final Office action mailed on April 24, 2008. A Notice of Abandonment was mailed on November 10, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Change of Correspondence Address filed on July 24, 2009 has been accepted and made of record.

This application file is being referred to Technology Center Art Unit 2835 for review of the amendment filed with the present petition.

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



Andrea Smith
Petitions Examiner
Office of Petitions



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GREENBERG TRAURIG, LLP
200 PARK AVE.
P.O. BOX 677
FLORHAM PARK NJ 07932

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OFFICE OF PETITIONS

In re Application of :
Syring et al. :
Application No. 11/481,955 : DECISION ON REQUEST
Filed: July 7, 2006 : UNDER 37 CFR 1.48(a)
Attorney Docket No. 103248-010701 :

This is a decision on the request under 37 CFR 1.48(a), filed June 23, 2009 and supplemented November 16, 2009, to correct the inventorship in the above-referenced application. The request was originally filed on June 23, 2009 with a petition under 37 CFR 1.183 requesting waiver of the requirement that each actual inventor execute a declaration under 37 CFR 1.64, which waiver was rendered moot by the November 16, 2009 supplement.

In view of the November 16, 2009 supplement, the petition to waive the requirement under 37 CFR 1.183 is **DISMISSED** as moot.

The petition to correct the inventorship is **GRANTED**.

In view of the papers filed June 23, 2009 and November 16, 2009, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed from Carina Syring, as the sole inventor, to Carina Syring and Rudiger Walter Arthur von Versen.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-6692.

Christopher Bottorff
Petitions Examiner
Office of Petitions



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

In re Application of
Keerie Setiawan et al
Serial No.: 11/481,959
Filed: July 7, 2006
Attorney Docket No.: 0641-0242PUS2

:
:
: PETITION DECISION
:
:

This is a decision on the PETITION FOR ACCEPTANCE OF COLOR DRAWINGS UNDER 37 CFR 1.84(a)(2). The petition was filed July 7, 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.


William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600



SUNG I. OH, PROFESSIONAL LAW CORPORATION
710 QUAIL VALLEY LANE
WEST COVINA CA 91791

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FEB 27 2008

In re Application of
Dale P. Rehn
Application No. 11/481,982
Filed: July 6, 2006
Attorney Docket No. 2138822-A

:
:
:
:
:
:

OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 22, 2007.

The request is **NOT APPROVED**.

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

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

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Dale Rehn**
2100 Jones Avenue
Nashville, TN 37207



**IANDIORIO & TESKA
INTELLECTUAL PROPERTY LAW
ATTORNEYS
260 BEAR HILL ROAD
WALTHAM MA 02451-1018**

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FEB 22 2008

In re Application of :
Baoping Chen et al :
Application No. 11/481,997 : DECISION GRANTING PETITION
Filed: July 6, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. AD-412J :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed , 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 2, 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 2819 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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KENYON & KENYON LLP
1500 K STREET, NW
WASHINGTON DC 20005-1257

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JUL 15 2009

OFFICE OF PETITIONS

In re Application of :
Baoping Chen, et al. :
Application No. 11/481,997 : **DECISION GRANTING PETITION**
Filed: July 6, 2006 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. 13641-241902 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 14, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 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 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.

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/482,009	07/06/2006	Hidetoshi Ichioka	SONYJP 3.0-615	4474
530 7590 09/16/2009 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER ITURRALDE, ENRIQUE W	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 09/16/2009	DELIVERY MODE PAPER

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

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



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COMMISSIONER FOR PATENTS
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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

In re Application of: ICHIOKA et al.
Application No. 11/482009
Attorney Docket No. SONYJP 3.0-615
Filed: July 6, 2006
For: INFORMATION PROCESSING
APPARATUS, INFORMATION
PROCESSING METHOD, AND
COMPUTER PROGRAM

**DECISION ON PETITION TO
REMAIL OFFICE ACTION**

This is a decision on the petition filed on July 6, 2009, requesting that the Final action mailed March 16, 2009 be remailed with a reset date, since the office action was not received by applicant. The petition is being treated as a petition under 37 C.F.R. § 1.181.

APPLICABLE PROSECUTION HISTORY

July 6, 2006	Application filed.
September 4, 2008	Non-Final action mailed.
December 5, 2008	Response with Amendments filed.
March 16, 2008	Final rejection mailed.
June 29, 2009	Information Disclosure Statement filed
July 6, 2009	Instant Petition filed (with a Certificate of Mailing date of June 30, 2009).

RELIEF REQUESTED

The instant petition requests that the Final action mailed March 16, 2009 be remailed with a reset date, since the action was not received by Applicant, and Applicant discovered the Action in PAIR on or about June 30, 2009. Although no specific date of discovery has been provided in the

petition, it is presumed that the discovery was made on or about June 30, 2009 when the instant petition was signed by the Applicant's representative.

REGULATIONS AND PRACTICE

In the absence of any apparent irregularities associated with the mailing of an Office communication, the Office presumes that the communication was properly mailed to the address of record. This presumption may be overcome by showing that the Office communication was not received at the correspondence address of record.

The guidance regarding establishment of nonreceipt of Office actions is set forth in MPEP 711.03(c), which states in part:

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. *If no such master docket exists, the practitioner should so state and provide other evidence* such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

REVIEW OF FACTS

Petitioner asserts that the Office communication mailed on March 16, 2009 was not received by applicants, and states the following:

- i) Applicant's representative discovered during a routine status check that the Action mailed on March 16, 2009 was entered in this application via the PAIR system.
- ii) Upon discovery of the above office action, Applicant's representative checked their records.

In support of the petition, Applicant's representative enclosed a copy of the individual docket record for the instant application. Further, Applicant's representative explains that the docketing system under "actions" would show a response if the action had been received for the instant application. Further evidence is provided as Exhibit B, showing a back-up docketing system, maintained by hand, which did not contain an entry for the instant application to remind the

attorney of an action due on June 16, 2009, which represents a three month reply period for an office action. In addition, Applicant's representative submits as Exhibit C printed copies of an electronic reminder system indicating that the dates of June 15 and June 16, 2009 do not have a reminder listed to indicate to the attorney that a response is due in the instant application.

DECISION

The exhibits show for the record the applicant docketing system used for recording an Office action received at the correspondence address of record with the USPTO. The record shows the application number (Exhibit A, middle), attorney docket number (Exhibit A, top right), and the mail date of the Office actions and the due date for the response (Exhibit A, middle). While applicant's system clearly establishes evidence that, if a response had been sent and recorded, the reminder would have been generated, however, the system does not show a mail log or dates of recorded entries or evidence of activity near the March 16, 2009 date. Nonetheless, as stated above, the modified showing requirements to show non-receipt of an action were created to reduce the burden on the office and applicant and the exhibits filed in the July 6, 2009 petition provide descriptive evidence that the applicant's docketing system did not receive or process the Final office action mailed March 16, 2009.

The petition filed on July 6, 2009, is in compliance with the above-stated requirements.

For reasons set forth above, the petition is **GRANTED**.

The Office communication will be remailed and the shortened statutory period that was originally set forth in the Office communication shall be restarted to run from the mail date of the newly supplied Office action.

It is noted that a Notice of Appeal with the appropriate fee along with a payment of a fee for extension of time for three (3) months was filed on September 16, 2009 prior to mailing of this decision. Since the shortened statutory period has been reset to run from the date of mailing of this decision, the fee (\$1,110.00) for three-month extension of time is not required. The amount of \$1,100.00 will be credited to Deposit Account No. 12-1095.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3719.

/ Kakali Chaki/

Kakali Chaki, Quality Assurance Specialist
Technology Center 2100



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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 :
Tanaka, et al. :
Application No. 11/482,016 : **ON PETITION**
Filed: July 7, 2006 :
Attorney Docket No. Q95775 :
For: COMMUNICATION SYSTEM AND
SYNCHRONIZATION CONTROL METHOD

This is a decision on the petition, filed October 2, 2006, requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Nonprovisional Application (Notice), mailed August 1, 2006.

The petition under 37 CFR 1.53(e) is **GRANTED**.

The application was filed on July 7, 2006. On August 1, 2006, the Office of Initial Patent Examination mailed a Notice informing petitioners that pages 35, 56, and 57 of the specification appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that pages 35, 56, and 57 be accorded a filing date of July 7 2006 on the basis that the entire specification, including the allegedly missing pages, was received in the Patent and Trademark Office (PTO) on July 7, 2006.

In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination date stamp citing July 7, 2006 as the date of receipt. The postcard lists that the filing included, *inter alia*, 67 pages of specification. . A review of the application file reveals that 64 pages are present. Pages 35, 56, and 57 are missing.

The return postcard constitutes *prima facie* evidence that 67 pages of specification were filed on July 7, 2006. MPEP 503. Accordingly, the request is granted.

Pursuant to petitioner's authorization, the \$400.00 fee submitted with the instant petition will be credited to petitioner's deposit account, no.19-4880.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **July 7 2006**, using the copy of pages 35, 56, and 57 supplied with the petition.

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



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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F. CHAU & ASSOCIATES, LLC
130 WOODBURY ROAD
WOODBURY, NY 11797

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APR 27 2010

In re Application of :
Sung-Hwan Hong et al :
Application No. 11/482,017 :
Filed: July 6, 2006 :
Attorney Docket No. 8071-223 (OPP051246US) :

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition, filed April 26, 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 19, 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 2874 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/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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Oliff & Berridge, PLC
P.O. Box 19928
Alexandria, VA 22320

In re Application of Masami NIIMI
Application No. 11482030
Filed: July 7, 2006
Attorney Docket No. 128655
For: BRUSH HOLDING DEVICE : **DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed December 28, 2006, to make the above-identified application special.

The request and petition are **DISMISSED**.

DISCUSSION

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s). Applicant must submit a claims correspondence table.;
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

Conditions (1), (2), and (4) to (7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (3) above.

Regarding the requirement of condition (3), Petitioner has not amended the U.S. claims to sufficiently correspond to the allowable/patentable claims in the JPO application. Claims will be considered to sufficiently correspond where, accounting for differences due to translations and claim format requirement, the claims are of the same or similar scope.

A proper response in this case must include an amendment to incorporate the limitations of Claims 2 and 3 into Claim 1 of the U.S. application in order to sufficiently correspond to the allowable/patentable claim in the JPO application.

Regarding the second part of the requirement, Petitioner is also required to submit a "Claims Correspondence Table" in English. The "Claims Correspondence Table" must indicate how all the claims in the US application correspond to the allowable/patentable claims in the JPO application. Although Petitioner has submitted a "Claims Correspondence Table", it appears that Claim 7 in the US Application corresponds to Claim 4 in the JP application, and not to Claim 1 as listed.

CONCLUSION

For the above reasons, the "Request for Participation in the Patent Prosecution Highway (PPH) Pilot Program Between the JPO and the USPTO" filed December 28, 2006 is **DISMISSED** without prejudice.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be faxed to Christine Oda at 571-273-1602.

Telephone inquiries concerning this decision should be directed to Christine Oda at 571-272-1602.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

C. ODA
Christine Oda
TQAS
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components



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P.O. Box 19928
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In re Application of	:	DECISION ON REQUEST TO
Masami NIIMI	:	PARTICIPATE IN PATENT
Application No.: 11482030	:	PROSECUTION HIGHWAY
Filed: July 7, 2006	:	PILOT PROGRAM AND PETITION
Attorney Docket No. 128655	:	TO MAKE SPECIAL UNDER
For: BRUSH HOLDING DEVICE	:	37 CFR 1.102(d)

This is a decision in response to the "PRELIMINARY AMENDMENT" filed February 23, 2007. The response is being treated as a petition requesting reconsideration of the previous decision dated January 31, 2007, dismissing the request to participate in the Patent Prosecution Highway (PPH) pilot program and Petition to Make Special under 37 CFR 1.102(d) filed December 28, 2006.

The request and petition are **GRANTED**.

DISCUSSION

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

The petitioner has: (1) amended the U.S. claims to sufficiently correspond to the allowable/patentable claims in the JPO application, and (2) submitted a Revised Claims Correspondence Table, correcting the correspondence of US Claim 7 to JP Claim 4.

CONCLUSION

For the above reasons, the request to participate in the PPH pilot program and petition comply with the above requirements and the request and petition is **GRANTED**. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Christine Oda at 571-272-1602.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

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

C. Oda

Christine Oda
TQAS
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components



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HONEYWELL/IFL
Patent Services
101 Columbia Road
P.O.Box 2245
Morristown, NJ 07962-2245

Mail Date: 04/20/2010

Applicant	: Andrei Cernasov	: DECISION ON REQUEST FOR
Patent Number	: 7602427	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/482,035	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **415** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 Services
101 Columbia Road
P.O.Box 2245
Morristown, NJ 07962-2245

Mail Date: 05/17/2010

Applicant : Andrei Cernasov : NOTICE CONCERNING IMPROPER
Patent Number : 7602427 : CALCULATION OF PATENT TERM
Issue Date : 10/13/2009 : ADJUSTMENT BASED UPON USPTO
Application No : 11/482,035 : IMPROPERLY MEASURING REDUCTION
Filed : 07/07/2006 : PERIOD UNDER 37 CFR 1.704(c)(10).

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

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

The patent term adjustment has been determined to be **443** 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).



DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
WASHINGTON DC 20006-5403

MAILED

MAY 26 2009

OFFICE OF PETITIONS

In re Application of :
Brian Thornes :
Application No. 11/482,038 : DECISION ON PETITIONS
Filed: July 7, 2006 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. A8130.0500/P500 : AND 37 CFR 1.55(c)

This is a decision on the petition filed April 29, 2009, which is being treated as a petition under 37 CFR 1.78(a)(3) and 37 CFR 1.55(c), to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to a prior-filed nonprovisional application, and under 35 U.S.C. § 119(a)-(d) for the benefit of priority to a prior-filed foreign application, as set forth in the concurrently filed amendment.

As to the benefit claim under 37 CFR 1.78(a)(3):

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

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

All requirements being met, the petition to accept an unintentionally delayed claim for benefit of priority to the prior-filed nonprovisional application under 35 U.S.C. § 120 is **GRANTED**.

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.

As to the benefit claim under 37 CFR 1.55(c):

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, **and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));**
- (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 Director may require additional information where there is a question whether the delay was unintentional); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The petition under 37 CFR 1.55(c) is **DISMISSED**.

The petition fails to comply with item (2) above. In this regard, a review of the file record fails to disclose that the priority information was included in an oath or declaration or in an Application Data Sheet (ADS) in accordance with 37 CFR 1.76(b)(6). Unless provided in an ADS, 37 CFR 1.63(c)(2) requires that the oath or declaration must identify the foreign application for patent (or inventor's certificate) for which priority is claimed under 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing. *Note* MPEP 201.14.

In view of the above, compliance with 37 CFR 1.63(c)(2) or 37 CFR 1.76(b)(6) must be satisfied if applicant desires to claim priority to the foreign application noted in the petition. Any future petition should include a cover letter and be entitled "Renewed Petition under 37 CFR 1.55(c)."

Further correspondence with respect to this matter should be delivered through one of the following mediums:

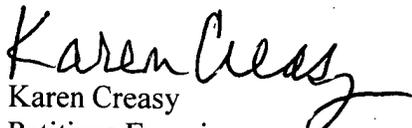
By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

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

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

By internet: EFS-Web
 www.uspto.gov/ebc/efs_help.html
 (for help using EFS-Web call the
 Patent Electronic Business Center
 at (866) 217-9197)

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


Karen Creasy
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
11/482,038	07/07/2006	3773	1130	A8130.0500/P500	19	3

CONFIRMATION NO. 5466

CORRECTED FILING RECEIPT

24998
DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403



Date Mailed: 05/27/2009

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

Applicant(s)

Brian Thornes, Dublin, IRELAND;

Power of Attorney: The patent practitioners associated with Customer Number 24998

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/697,125 07/07/2005
and is a CIP of 10/233,122 08/30/2002 PAT 7,235,091

Foreign Applications

If Required, Foreign Filing License Granted: 07/31/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/482,038**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Method and apparatus for internal fixation of an acromioclavicular joint dislocation of the shoulder

Preliminary Class

606

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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



DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
WASHINGTON, DC 20006-5403

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AUG 03 2009

OFFICE OF PETITIONS

In re Application of :
Brian Thornes :
Application No. 11/482,038 : DECISION ON PETITION
Filed: July 7, 2006 : UNDER 37 CFR 1.55(c)
Attorney Docket No. A8130.0500/P500 :

This is a decision on the petition under 37 CFR 1.55(c), filed June 17, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to foreign Ireland Application No. S2002/0504, filed June 20, 2002.

The petition is **GRANTED**.

This pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

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 and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (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 Director may require additional information where there is a question whether the delay was unintentional); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

This application was filed on July 7, 2006, which is after November 29, 2000. Intermediate Application No. 10/233,122 was filed within 12 months of June 20, 2002 (the filing date of the foreign application to which benefit is now being claimed). On June 17, 2009, an executed oath/declaration was received which identifies the foreign application for which priority is claimed by application number, country and filing date. The required petition fee of \$1,410.00 was received with the petition on April 29, 2009. Lastly, petitioner has provided an adequate statement of unintentional delay.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(a)-(d) 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 1.55(c) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 119(a)-(d) and 37 CFR 1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

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

This application is being referred to Technology Center AU 3773 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d).

Any inquiries directly pertaining to this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant : Chang Hak Lim : DECISION ON REQUEST FOR
Patent Number : 7596964 : RECALCULATION of PATENT
Issue Date : 10/06/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/482,040 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/07/2006 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **531** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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STAAS & HALSEY LLP
 SUITE 700
 1201 NEW YORK AVENUE, N.W.
 WASHINGTON DC 20005

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JAN 15 2010

In re Application of :
 Ha et al. :
 Application No. 11/482,046 : DECISION ON PETITION
 Filed: July 7, 2006 :
 Attorney Docket No. 1594.1561 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 24, 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 April 15, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 16, 2009. A Notice of Abandonment was mailed November 18, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (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 3744 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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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant : Joo Young Ha : DECISION ON REQUEST FOR
Patent Number : 7621139 : RECALCULATION of PATENT
Issue Date : 11/24/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/482,047 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/07/2006 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **392** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

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JUN 16 2010

OFFICE OF PETITIONS

In re Application of :
Hidemitsu Naya, et al. :
Application No. 11/482,089 : **ON PETITION**
Filed: July 7, 2006 :
Attorney Docket No.: 100929.58023US :

This is a decision in response to the Petition under 37 CFR 1.313(c) to Withdraw Application from Issue, filed June 15, 2010. A Request for Continued Examination (RCE), an Amendment and an Information Disclosure Statement (IDS) accompanied the present petition.

The petition is dismissed as moot.

It is noted that the petition states "Since Applicant has otherwise complied with all requirements of Section 313, and have paid the issue fee herewith..." However, a review of Office records failed to show that issue fee transmittal letter or payment of the issue fee was, in fact, submitted.

Since the RCE was filed within the period set for paying the issue fee, as required by the Notice of Allowance and Issue Fee Due mailed March 17, 2010, prosecution is reopened in the present application. Consequently, a petition under 37 CFR 1.313 is not necessary.

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

This application is being referred to Technology Center AU 2624 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the concurrently filed amendment and IDS in accordance with 37 CFR 1.114.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

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SEP 17 2008

In re Application of :
Kamel Shaath, et al. :
Application No. 11/482,115 : DECISION GRANTING PETITION
Filed: July 7, 2006 : UNDER 37 CFR 1.313(c)(2).
Attorney Docket No. 38898-232589 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 11, 2008 and supplemented on September 15, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 25, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

This application is being referred to Technology Center AU 2187 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the information disclosure statement filed September 15, 2008.


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.



Date Mailed: September 12, 2007

William B. Ritchie
Law Office of William B. Ritchie
1411 Northern Heights Drive NE
Rochester MN 55906-4045

Applicant: Rumrill et al.
Appl. No.: 11/482,184
Filing Date: July 6, 2006
Title: CAULKING GUN
Attorney Docket No.: 8024-001A
Pub. No.: US 2007/0017935 A1
Pub. Date: January 25, 2007

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on August 13, 2007, 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 follow-on "Document", 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.

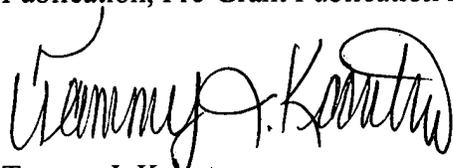
Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission.

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 Patent
Publication, Pre-Grant Publication Division, 703-605-4283.



Tammy J. Koontz
Program & Management Analyst
Pre-Grant Publication Division
Office of Patent Publication

Adjustment date: 09/12/2007 KKING1
08/14/2007 INTEFSW 00001485 191345 11482184
01 FC:1505 300.00 CR



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United States Patent and Trademark Office
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Date Mailed: November 5, 2007

William B. Ritchie
Law Office of William B. Ritchie
1411 Northern Heights Drive NE
Rochester MN 55906-4045

Applicant: Rumrill et al.
Appl. No.: 11/482,184
Filing Date: July 6, 2006.
Title: CAULKING GUN
Attorney Docket No.: 8024-001A
Pub. No.: US 2007/0017935 A1
Pub. Date: January 25, 2007

This is a decision on the second request for republication of patent application publication under 37 CFR 1.221(a), filed on October 16, 2007, 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.

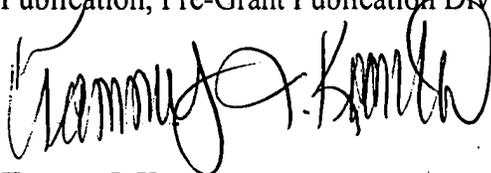
Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission.

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 Patent Publication, Pre-Grant Publication Division, 703-605-4283.



Tammy J. Koontz
Program & Management Analyst
Pre-Grant Publication Division
Office of Patent Publication

Adjustment date: 11/05/2007 KKING1
10/17/2007 INTEFSW 00002151 191345 11482184
02 FC:1505 300.00 CR



LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK NY 10023

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DEC 08 2008

In re Application of :
Jain et al. :
Application No. 11/482185 :
Filing or 371(c) Date: 07/06/2006 :
Attorney Docket Number: :
U 016387-4 : ON PETITION

This is a decision on the "Petition and Request to Rescind Notice of Incomplete Reply and Notice of Abandonment Under 37 CFR 1.53(f) or (g)," filed October 15, 2008. The petition is properly treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181(a).

This Petition is **granted**.

The application was filed on July 6, 2006. On July 31, 2006, this Office mailed a Notice to File Missing Parts of Nonprovisional Application ("Notice"). The Notice stated that the statutory basic filing fee was missing, and the oath/declaration was missing. The Notice required the statutory basic filing fee and a surcharge for late filing of the oath/declaration and set a two (2) month period for reply. Extensions of time under 37 CFR 1.136(a) were available.

Applicant filed a response to the Notice on October 6, 2006, including the filing, search, and examination fees, the late filing oath or declaration surcharge, and a one (1) month extension of time fee..

On September 17, 2008, this Office mailed a Notice of Incomplete Reply (Nonprovisional), informing Applicant that the reply to the Notice filed October 6, 2006 did not include an additional claim fees of \$570.00 that were required in the Notice. The Notice of Incomplete Reply (Nonprovisional) stated that the period for reply remained as set forth in the Notice.

The Office also mailed a Notice of Abandonment on September 17, 2008, stating as the reason for abandonment Applicant's insufficient reply to the Notice of July 6, 2006.

Applicant files the present petition and avers that Applicant complied fully with the Notice mailed July 6, 2006.

Analysis and conclusion

A review of the Notice confirms that the Notice required the statutory basic filing fee and a surcharge for late filing of the oath/declaration, and provided for extensions of time under 37 CFR 1.136(a). The Notice did not require additional claim fees¹.

In view of the foregoing, the petition is granted. The application is being referred to the Office of Patent Application Processing for withdrawal of the holding of abandonment.

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

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

¹ A review of the claims filed with the application on July 6, 2006 reveals that the total number of claims filed did not exceed 20.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/29/09

TO SPE OF : ART UNIT 2833

SUBJECT : Request for Certificate of Correction for Appl. No.: 11482191 Patent No.: 7563131

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

**Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580**

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

Lamonte Newsome

Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments: _____

/renee s luebke/
SPE

AU 2833
Art Unit



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United States Patent and Trademark Office
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**KENNETH WATOV, ESQ.
WATOV & KIPNES, P.C.
P.O. BOX 247
PRINCETON JUNCTON NJ 08550**

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DEC 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert B. Royds	:	
Application No. 11/482,206	:	ON PETITION
Filed: July 7, 2006	:	
Attorney Docket No. 1301.1.006	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 22, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement (PTO/SB/130 form) by the applicant's attorney that he is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

This matter is being referred to the Technology Center Art Unit 1611 for action on the merits commensurate with this decision.

Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Paper No.

Ying Wen Hsu
39 Calle Careyes
San Clemente CA 92673

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DEC 17 2007
OFFICE OF PETITIONS

In re Application of :
Ying Wen Hsu : DECISION ON PETITION
Application No. 11/482,208 :
Filed: July 7, 2006 :
Title: ENERGY EFFICIENT MICRO:
COMBUSTION SYSTEM FOR POWER :
GENERATION AND FUEL PROCESSING:

This is in response to the communication with "Subject: Explanation of Unavoidable Delay for Non-Provisional Patent Application No. 11/482,208" filed on April 20, 2007. The petition was recently forwarded to the undersigned for consideration.

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

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

The petition under 37 CFR 1.181 is DISMISSED.

Any renewed petition under 37 CFR 1.181 must be filed within a nonextendable TWO (2) MONTHS from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." Extensions of time under 37 CFR §1.136(a) are not permitted.

The above-identified application became abandoned for failure to file a reply to the NOTICE TO FILE CORRECTED APPLICATION PAPERS mailed August 2, 2006. This Notice set a two-month period for reply, with extensions of time obtainable under § 1.136(a). No reply considered timely filed and no extension of time considered obtained, the application became abandoned effective October 3, 2006. A courtesy Notice of Abandonment was mailed on April 5, 2007.

Applicant acting in a *pro se* capacity timely filed this petition. However, the petition did not include payment of the fee required for consideration under 37 CFR 1.137(a). Payment of the fee, which is currently \$255 for a small entity and \$510 for a large entity, is a statutory prerequisite to consideration of the petition under 37 CFR 1.137(a). Accordingly, no consideration of the petition under 37 CFR 1.137(a) will be undertaken until the fee is submitted.

Nonetheless, there is an avenue for consideration of this petition. Applicant asserts that the Office action was never received. An applicant asserting that an Office action was never received may petition under 37 CFR 1.181 for withdrawal of the holding of abandonment. There is no fee for consideration of a petition under 37 CFR 1.181. Accordingly, the instant petition is being treated under 37 CFR 1.181 to withdraw the holding of abandonment based on nonreceipt of the Office action.

However, a grantable petition under 37 CFR 1.181 requires a showing that the Office action was not received. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner or applicant stating that the Office communication was not received by the practitioner or applicant and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in applicant's statement. For example, if a three-month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action.

A review of the record confirms that the Office action was mailed to the correspondence address of record and was not returned by the United States Postal Service. Thus, applicant must meet the above showing to overcome the conclusion that the Office action was properly mailed to the correspondence address of record (and lost by applicant). It is further noted that applicant does not explain how despite his claim of nonreceipt, the instant petition includes a response to the Notice.

It is further recognized that applicant is acting in a *pro se* capacity and thus, may not have a formal file jacket or docket record. Nonetheless, applicant is not relieved of the requirement to make a persuasive showing of nonreceipt. Applicant must state that the Office communication was not received and that he searched the place where he normally would keep such communications and could not find it. Applicant must explain his system for keeping track of patent matters - where he keeps the correspondence; where he writes down due dates; and how he knows replies are due, for example. Only if applicant submits persuasive evidence of nonreceipt will the holding of abandonment be withdrawn.

If applicant does not believe he can make a satisfactory showing of either nonreceipt or unavoidable delay pursuant to 37 CFR 1.137(a), he is not precluded from seeking revival based on unintentional delay. The requirements of 37 CFR 1.137(b) are less exacting than the requirements of 37 CFR 1.137(a). The petition fee for consideration of a petition under 37 CFR 1.137(b) is currently \$770 for a small entity and \$1,540 for a large entity. For applicant's convenience, a copy of the form used to file a petition to revive based on unintentional delay is enclosed (PTO/SB/64).

It is noted also that applicant may file a no fee request for reconsideration of the petition under 37 CFR 1.181, submitting therewith their showing of nonreceipt. If it is determined that the showing is lacking then applicant will be given two months to file a petition under 1.137. There is no standardized form for filing a petition under 37 CFR 1.181.

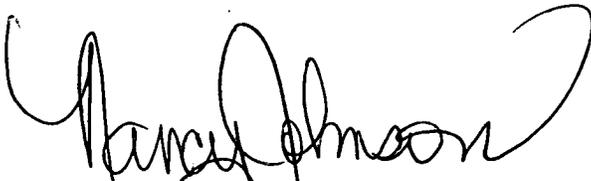
Further correspondence with respect to this decision should be addressed as follows:

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

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

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

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



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Form PTO/SB/64

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor:

Application No.:

Art Unit:

Filed:

Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

- has been filed previously on _____.
- is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- has been paid previously on _____.
- is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

Date

Typed or printed name

Registration Number, if applicable

Address

Telephone Number

Address

Enclosures: Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

Ying Wen Hsu
39 Calle Careyes
San Clemente CA 92673

COPY MAILED
SEP 15 2008
OFFICE OF PETITIONS

In re Application of :
Ying Wen Hsu : DECISION ON PETITION
Application No. 11/482,208 :
Filed: July 7, 2006 :
Title: ENERGY EFFICIENT MICRO:
COMBUSTION SYSTEM FOR POWER :
GENERATION AND FUEL PROCESSING:

This is in response to the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed February 14, 2008. This petition was recently forwarded to the undersigned for consideration. Applicant is advised that it is critical that applicant identify any papers filed in this application by the correct number "11/482,208."

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

The above-identified application became abandoned for failure to file a reply to the NOTICE TO FILE CORRECTED APPLICATION PAPERS mailed August 2, 2006. This Notice set a two-month period for reply, with extensions of time obtainable under § 1.136(a). No reply considered timely filed and no extension of time considered obtained, the application became abandoned effective October 3, 2006. A courtesy Notice of Abandonment was mailed on April 5, 2007.

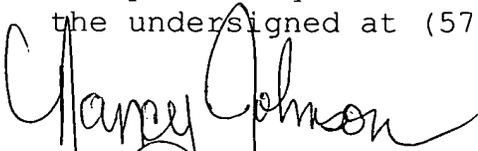
By decision mailed December 17, 2007, the initial petition filed April 20, 2007 was dismissed. It was determined that withdrawal of the holding of abandonment under 37 CFR 1.181 was not warranted. No consideration of the petition under 37 CFR 1.137(a) was undertaken as no petition fee was submitted.

The petition includes the required reply, 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.

It is noted that the previous petition did include the petition fee; however, given that applicants identified the wrong application number, the fee was not associated with this application. Given that no consideration was given to that petition, applicants' request for refund of the fee is granted. The fee will be refunded under separate cover by the Office of Finance.

The Office of Patent Application Processing has been advised of this decision. The application is being forwarded to the Office of Patent Application Processing for completion of pre-examination processing.

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

A handwritten signature in black ink that reads "Nancy Johnson". The signature is written in a cursive, flowing style.

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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ZAGORIN O'BRIEN GRAHAM LLP
(1001)
7600B NORTH CAPITAL OF TEXAS
HIGHWAY
SUITE 350
AUSTIN TX 78731-1191

MAILED

MAR 22 2010

OFFICE OF PETITIONS

In re Patent No. 7,617,404 : DECISION ON RENEWED
Mackey, et al. : REQUEST FOR RECONSIDERATION
Application No. 11/482,211 : of PATENT TERM ADJUSTMENT
Issue Date: November 10, 2009 : and
Filed: July 7, 2006 : NOTICE OF INTENT TO ISSUE
Attorney Docket No. 1001-0296 : CERTIFICATE OF CORRECTION

This is a decision on the petition under 37 CFR 1.705(d), filed January 11, 2010, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by six hundred nine (609) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by six hundred nine (609) days is **GRANTED to the extent indicated herein.**

The amount of days over 36 months from the filing date of the application until the issue date of the patent was not included in the "B" delay period. The over three year period began on July 8, 2009 and ended on November 10, 2009 (the patent issue date), and is 126 days. See 35 U.S.C. 154(b)(1)(B)(i). As such, the "B" delay period is 126 days. In addition, the Office was accorded Office delay under 37 CFR 1.702(a)(1) of 508 days. As a result, total Office delay was 634 days. Two instances of applicant delay occurred. Applicants were accorded twenty-five (25) days of applicant delay pursuant to 37 CFR 1.704(b), and 15 days pursuant to 37 CFR 1.704(c)(10) for filing an Amendment after the Notice of Allowance (this 15 days of delay was left out of patentees' calculation of the patent term adjustment).

In view of the above, the patent term adjustment is 594 days, not 609 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**,

whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the 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 **five hundred ninety-four (594)** days.

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

/ALESIA BROWN/

Alesia Brown
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,617,404 B2

DATED : November 10, 2009

INVENTOR(S) : Mackey, 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 468 days.

Delete the phrase "by 468 days" and insert – by 594 days--

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : Dec. 31, 2008

TO SPE OF : ART UNIT 3679

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/482223/7232373

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Magdalene Talley
Certificates of Correction Branch
703-308-9390 ext. 116

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments: The changes are approved. However, for clarification purposes, the correction to claim 2 is supposed to be at line 2 (note that the line location was not identified in the supplied form PTO/SB/44 though it is in the request for Certificate of Correction letter).

/Daniel P. Stodola/

3679



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

MAILED

MAY 07 2009

In re Application of	:	OFFICE OF PETITIONS
Robert S. Kieval, et al.	:	
Application No. 11/482,225	:	DECISION ON PETITION
Filed: July 7, 2006	:	TO WITHDRAW
Attorney Docket No. 021433-000418US	:	FROM RECORD
	:	

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

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

There is an outstanding Office action mailed January 15, 2009 that requires a reply from the applicant.

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



Terri Williams
Petitions Examiner
Office of Petitions

cc: **Robert S. Kieval**
850 Foxberry Circle
Medina, MN 55340

cc: **PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.**
4800 IDS Center
80 South 8th Street
Minneapolis, MN 55402-2100



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
11/482,225	07/07/2006	Robert S. Kieval	021433-000418US

CONFIRMATION NO. 5769

POWER OF ATTORNEY NOTICE



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

Date Mailed: 05/06/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/12/2009.

- 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

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.
11/482,233	06/30/2006	Tomislav Dobric	DOBRIC	6579
20151	7590	03/01/2010	EXAMINER	
HENRY M FEIEREISEN, LLC			LI, QIAN JANICE	
HENRY M FEIEREISEN			ART UNIT	
708 THIRD AVENUE			PAPER NUMBER	
SUITE 1501			1633	
NEW YORK, NY 10017			NOTIFICATION DATE	
			DELIVERY MODE	
			03/01/2010	
			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):

INFO@FEIEREISENLLC.COM

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100216

DATE : March 4, 2010

TO SPE OF : ART UNIT 1633

SUBJECT : Request for Certificate of Correction on Patent No.: 7635468

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

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

Certificates of Correction Branch - PK 3-910

Palm location **7590** - Tel. No. 305-8201

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

Thank You For Your Assistance

Certificates of Correction Branch

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments:

SPE: /Joseph Voitach/

Art Unit 1633



UNITED STATES PATENT AND TRADEMARK OFFICE

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SEMICONDUCTOR COMPONENTS INDUSTRIES, LLC
INTELLECTUAL PROPERTY DEPT. - A700
5005 E. MCDOWELL ROAD, P.O.BOX 62890
PHOENIX, AZ 85082

Mail Date: 04/20/2010

Applicant : Sudhama C. Shastri : DECISION ON REQUEST FOR
Patent Number : 7579670 : RECALCULATION of PATENT
Issue Date : 08/25/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/482,238 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/03/2006 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **467** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

Clements Bernard PLLC
1901 Roxborough Road
Suite 300
Charlotte, NC 28211

COPY MAILED

JUN 03 2009

OFFICE OF PETITIONS

In re Application of	:	
Young Ki Yu, et al.	:	
Application No. 11/482,245	:	DECISION ON PETITION
Filed: July 7, 2006	:	TO WITHDRAW
Attorney Docket No. 4460	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 22, 2008.

The request is **APPROVED**.

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

The request was signed by Lawrence A. Baratta, Jr. on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

Note: The first, second and third named inventors addresses were not legible on the oath/declaration on file.

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: **Greg Roberts**
125 Cadbury Court
Alpharetta, GA 30022

cc: **Playmotion, Inc.**
100 North Point Center East
Suite 305
Alpharetta, GA 30022



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/482,245	07/07/2006	Young Ki Yu	4460

22474
Clements Bernard PLLC
1901 Roxborough Road
Suite 300
Charlotte, NC 28211

CONFIRMATION NO. 5084
POWER OF ATTORNEY NOTICE



Date Mailed: 06/02/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/22/2008.

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

/tswilliams/

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



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Patterson, Thüente, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, MN 55402-2100

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Raymond R. Price, et al.	:	
Application No. 11/482,249	:	DECISION ON PETITION
Filed: July 7, 2006	:	TO WITHDRAW
Attorney Docket No. 2836.26US03	:	FROM RECORD
	:	

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 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. 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 Bradley J. Thorson 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 Raymond R. Price at the address indicated below.

The application became abandoned for failure to timely respond to the Office action mailed November 13, 2008.

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



Terri Williams
Petitions Examiner
Office of Petitions

cc: **Raymond R. Price**
1215 Tenth Street Southwest
Rochester, MN 55902



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/482,249	07/07/2006	Raymond R. Price	2836.26US03

Patterson, Thunte, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, MN 55402-2100

CONFIRMATION NO. 5026
POWER OF ATTORNEY NOTICE



Date Mailed: 06/22/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/13/2009.

- 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.

/tswilliams/

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



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PATENT LAW & VENTURE GROUP
2424 S.E. BRISTOL, SUITE 300
NEWPORT BEACH, CA 92660

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SEP 20 2007

OFFICE OF PETITIONS

In re Application of :
Robert H. Reinicke :
Application No. 11/482,252 :
Filed: July 7, 2006 :
Attorney Docket No. Reinic.R-02 :

ON PETITION

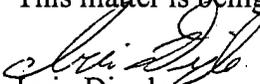
This is a decision on the petition under 37 CFR 1.137(b), filed May 29, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed August 2, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 3, 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



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

COPY MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
KIEVAL, Robert S. et al.	:	
Application No. 11/482,264	:	DECISION ON PETITION
Filed: July 07, 2006	:	TO WITHDRAW
Attorney Docket No. 021433-000153US	:	FROM RECORD
	:	

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 12, 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 James Heslin on behalf of all attorneys of record who are associated with customer No. 20350. All attorneys/agents associated with the Customer Number 20350 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed December 24, 2008 that requires a reply from the applicant.

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



Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **ROBERT S. KIEVAL**
850 FOXBERRY CIRCLE
MEDINA MN 55340

cc: **PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.**
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100



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ZAGORIN O'BRIEN GRAHAM LLP (1001)
7600B NORTH CAPITAL OF TEXAS HIGHWAY
SUITE 350
AUSTIN, TX 78731-1191

Mail Date: 04/21/2010

Applicant	: Paul A. Mackey	: DECISION ON REQUEST FOR
Patent Number	: 7607031	: RECALCULATION OF PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/482,269	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **562** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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ZAGORIN O'BRIEN GRAHAM LLP (1001)
7600B NORTH CAPITAL OF TEXAS HIGHWAY
SUITE 350
AUSTIN, TX 78731-1191

Mail Date: 05/18/2010

Applicant : Paul A. Mackey : NOTICE CONCERNING IMPROPER
Patent Number : 7607031 : CALCULATION OF PATENT TERM
Issue Date : 10/20/2009 : ADJUSTMENT BASED UPON USPTO
Application No : 11/482,269 : IMPROPERLY MEASURING REDUCTION
Filed : 07/07/2006 : PERIOD UNDER 37 CFR 1.704(c)(10).

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

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

The patent term adjustment has been determined to be **602** 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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/482,280	07/06/2006	3641	1100	57655/D588	5	22	2

CONFIRMATION NO. 5033

23363
 CHRISTIE, PARKER & HALE, LLP
 PO BOX 7068
 PASADENA, CA 91109-7068

CORRECTED FILING RECEIPT



OC00000020179033

Date Mailed: 08/24/2006

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

Applicant(s)

John A. Kapeles, Casper, WY;

Power of Attorney: The patent practitioners associated with Customer Number 23363.**Domestic Priority data as claimed by applicant**

This appln claims benefit of 60/773,843 02/15/2006

Foreign Applications**Projected Publication Date:** To Be Determined - pending completion of Security Review**Non-Publication Request:** No**Early Publication Request:** No**Title**

Non-lethal ammunition

Preliminary Class

102

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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CARLSON, GASKEY & OLDS/PRATT & WHITNEY
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

Mail Date: 04/21/2010

Applicant	: Hayden M. Reeve	: DECISION ON REQUEST FOR
Patent Number	: 7601203	: RECALCULATION OF PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/482,284	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **677** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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MORGAN, LEWIS & BOCKIUS, LLP (SF)
2 PALO ALTO SQUARE
3000 EL CAMINO REAL, SUITE 700
PALO ALTO, CA 94306

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OCT 30 2007

OFFICE OF PETITIONS

In re Application of
Mark Reddington
Application No. 11/482,288
Filed: July 7, 2006
Attorney Docket No. 61873-5014-US

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR § 1.78(a)(6), filed August 14, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for benefit of priority to prior-filed provisional Application No. 60/712,301, as set forth in the concurrently filed Application Data Sheet (ADS). The delay in responding is regretted.

The petition is **DISMISSED AS MOOT**.

The petition is accompanied by an Application Data Sheet, which includes a reference to the above-noted prior-filed provisional application. It is noted that the reference to prior-filed provisional application No. 60/712,301 was not included in the Application Data Sheet or in the first sentence of the specification following the title, on filing, of the above application. However, within four months from the filing of the above application, a reference was timely submitted in the Application Data Sheet filed on August 14, 2006.

The Office noted the timely claim for priority to the prior-filed provisional application as shown by its inclusion on the filing receipt mailed on October 12, 2006. Accordingly, the petition is unnecessary and the \$130 fee submitted with the present petition will be refunded to petitioner's deposit account.

This application is currently before Technology Center AU 1637, for examination in due course.

Any questions concerning this decision on petition 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



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

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SEP 18 2006

OFFICE OF PETITIONS

In re Application of	:	
Robert Brian Dopp, esq.	::	DECISION ON PETITION
Application No. 11/482,290	:	TO MAKE SPECIAL
Attorney Docket No. QSINC.008CP1	:	37 CFR 1.102(c)

This is a decision on the petition under 37 CFR 1.102(c) (2)(ii), filed July 07, 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 VI: Energy.

The petition is **DISMISSED**

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(ii), MPEP 708.02, Section VI: Energy, must be accompanied by a statement by the applicant, assignee or attorney/agent registered to practice before the Office explaining how the invention materially contributes to: (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), hydrogen fuel technologies, nuclear energy, solar energy, etc. Category (B) would include inventions relating to the reduction of energy consumption in combustion systems, industrial equipment, household appliances, etc. No fee is required.

The instant petition does not meet the requirements for special status in that there is no showing that the claimed invention materially contributes to the discovery or development of energy sources or the more efficient utilization and conservation of energy resources, as required under category (A) or category (B). Petitioner indicates that the improved electrochemical catalyst of the present invention is useful, for example, in electrochemical applications, including fuel cells, however the Petitioner has not shown how such catalyst contributes to development of fossil fuels, hydrogen fuel technologies, nuclear energy, solar energy, etc. or reduces the energy consumption in combustion systems, industrial equipment, household appliances, etc.

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

The application file is being referred to Technology Center AU 1745 for action in its regular turn.

A handwritten signature in black ink, appearing to read 'D. Bucci', written over the printed name.

David A. Bucci
Petitions Examiner
Office of Petitions



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**PFIZER INC.
PATENT DEPARTMENT
Bld 114 M/S 114
EASTERN POINT ROAD
GROTON CT 06340**

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JUN 09 2009

OFFICE OF PETITIONS

In re Application of :
Jean-Louis Dasseux, et al. :
Application No. 11/482,292 : **DECISION ON PETITION**
Filed: June 23, 2006 :
Attorney Docket No. PC20701D-C4 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 8, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before March 9, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed December 9, 2009. Accordingly, the date of abandonment of this application is March 10, 2009. The Notice of Abandonment was mailed April 7, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510 and the publication fee of \$300, (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay.

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 or authorization of agent to prosecute the application. If the person signing the 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 petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

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

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



Chris Bottorff
Petitions Examiner
Office of Petitions

cc: **JENNIFER A. KISPERT**
PFIZER, INC.
EASTERN POINT ROAD
MS 9114
GROTON, CT 06340



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OFFICE OF COUNSEL, CODE XDC1
17632 DAHLGREN ROAD, SUITE 121
DAHLGREN VA 22448-5110

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AUG 09 2007

In re Application of
MARPLE, et al
Application No. 11/482,295
Filed: June 26, 2006
Attorney Docket No. **NAVY CASE 98010**

OFFICE OF PETITIONS

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 2, 2007.

The request is **APPROVED**.

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

The request was signed by Scott R. Boalick. Scott R. Boalick has been withdrawn as attorney or agent of record; all other attorneys remain of record. The correspondence address of record remains unchanged.

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


Monica A. Graves
Petitions Examiner
Office of Petitions



OFFICE OF COUNSEL, 004
NAVAL SURFACE WARFARE CENTER
CARDEROCK DIVISION
9500 MACARTHUR BOULEVARD
WEST BETHESDA, MD 20817-5700

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SEP 19 2007

OFFICE OF PETITIONS

In re Application of
Joseph A. Clark et al.
Application No. 11/482,296
Filed: July 5, 2006
Attorney Docket No. 84,346

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.136(b), filed April 2, 2007.

The request is **APPROVED**.

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

The request was signed by Scott R. Boalick, former attorney with Naval Surface Warfare Center.

Scott R. Boalick has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There are no outstanding office actions at this time.

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

Kimberly Inabinet
Kimberly Inabinet
Petitions Examiner
Office of Petitions



JAN 29 2009

OFFICE OF PATENT COUNSEL, CODE 004
NAVAL SURFACE WARFARE CENTER, CARDEROCK DIVISION
9500 MACARTHUR BLVD., BLDG M
WEST BETHESDA MD 20817-5700

In re Application of
Joseph Clark, et al.

**ON PETITION TO
WITHDRAW ACTION
UNDER 37CFR 1.181**

Appl. No. 11/482,296
Filed: July 5, 2006
For: METHOD FOR DESIGNING A RESONANT ACOUSTIC PROJECTOR

This is a decision on Applicant's Petition under 37 CFR 1.181 filed on July 15, 2008 to withdraw the office action mailed March 24, 2008.

The Petition is **DISMISSED as MOOT**.

On March 24, 2008 a non-final action was mailed to applicant. The applicant responded on July 15, 2008 by requesting withdrawal of the action because the rejections were improperly formulated and restart of the period for response. On July 24, 2008, however, applicant responded to the Office action with amendments to the claims and arguments for patentability of the claims. On September 2, 2008 a Notice of Non-responsive amendment was mailed, indicating that applicant had not responded to all of the rejections and clarified the rejections. Applicant responded on November 3, 2008 with a complete response to the Office action mailed March 24, 2008.

In view of the fact that applicant has filed a complete response to the March 24, 2008 Office action and has amended the claims upon which the complaint of the petition was based, the petition is moot.

SUMMARY: The Petition is **DISMISSED as MOOT**.

Any questions regarding this decision should be directed to Thomas H. Tarcza at 571-272-6979.

Katherine Matecki

Katherine A. Matecki
Director, Technology Center 3600
571-272-5250

THT/snm: 1/23/09

SM



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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 02 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert S. Kieval et al,	:	
Application No. 11/482,357	:	DECISION ON PETITION
Filed: July 7, 2006	:	TO WITHDRAW
Attorney Docket No. 021433-000414US	:	FROM RECORD
	:	

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 12, 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 Office no longer accept address changes to a new practitioner or law firm filed with a request, absent the filing of a power of attorney to the new representative.

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

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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JUN 02 2009

OFFICE OF PETITIONS

In re Application of
Robert S. Kieval et al,
Application No. 11/482,358
Filed: July 7, 2006
Attorney Docket No. 021433-000419US

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**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 12, 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 Office no longer accept address changes to a new practitioner or law firm filed with a request, absent the filing of a power of attorney to the new representative.

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

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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JUL 13 2007

TECHNOLOGY CENTER 3600

KING & SPALDING LLP
1180 PEACHTREE STREET
ATLANTA, GA 30309-3521

In re application of : **DECISION ON PETITION**
Randall Mueller et al. : **TO MAKE SPECIAL**
Application No. 11/482,360 : **(ACCELERATED**
Filed: July 07, 2006 : **EXAMINATION)**
For: ELECTRONIC IMAGE CASH LETTER MONITORING

This is in response to the petition filed on August 08, 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.**



Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(571) 272-6611

SNM/slb: 07/12/07



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Carr & Ferrell LLP
2200 Geng Road
Palo Alto, CA 94303

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AUG 25 2008

In re Application of :
Jose Abad Molina, et al. :
Application No. 11/482,373 : **DECISION ON PETITION**
Filed: July 6, 2006 : **TO WITHDRAW**
Attorney Docket No. PA3744US : **FROM RECORD**

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 28, 2008.

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

A review of the file record indicates that the power of attorney to Carr & Ferrell LLP has been revoked by the assignee of the patent application on May 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 Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Peters Verny, L.L.P.**
425 Sherman Avenue
Suite 230
Palo Alto, CA 94306



JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA GA 30309

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JUN 16 2008

In re Application of :
Sydney D. Daniel et al. :
Application No. 11/482,378 : DECISION ON PETITION
Filed: July 7, 2006 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. **IRC293CON6** :
(I4060/332695) :

This is a decision on the petition filed April 14 2008, under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of a prior-filed non-provisional application nos. 10/383,036 filed March 6, 2003 and 09/783,354 filed February 14, 2001.

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).

The specification provided on filing did not incorporate by reference non-provisional application nos. 10/383,036 and 09/783,354 as does the amendment filed with the petition.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either a Supplemental Application Data Sheet (signed in compliance with 37 CFR 1.33(b) and in compliance with 37 CFR 1.76) or a substitute amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

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

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

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

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

Any questions concerning this matter may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.



Anthony Knight
Supervisor
Office of Petitions



JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA GA 30309

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AUG 18 2008

In re Application of	:
Sydney D. Daniel et al.	:
Application No. 11/482,378	: DECISION ON PETITION
Filed: July 7, 2006	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. IRC293CON6	:
(I4060/332695)	:

This is a decision on the renewed petition filed July 24, 2008, under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of a prior-filed non-provisional application nos. 10/383,036 filed March 6, 2003 and 09/783,354 filed February 14, 2001.

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.

A petition filed April 14, 2008 was dismissed in a decision mailed June 16, 2008 because the concurrently filed amendment was not acceptable as drafted since it improperly incorporated 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).

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 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 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 1794 for appropriate action on the amendment filed July 24, 2008, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. 120 to the prior-filed applications.



Anthony Knight
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/482,378, 07/07/2006, 1794, 1000, IRC293CON6 (14060/332695), 20, 3

CONFIRMATION NO. 7008

CORRECTED FILING RECEIPT



23370
JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA, GA 30309

Date Mailed: 08/15/2008

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

Applicant(s)

Sydney D. Daniel, LaGrange, GA;
David D. Oakey, LaGrange, GA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 10/383,036 03/06/2003 ABN
which is a CON of 09/783,354 02/14/2001 PAT 6,908,656

Foreign Applications

If Required, Foreign Filing License Granted: 07/31/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/482,378

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Orthogonally ambiguous carpet tile

Preliminary Class

428

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/482,378	07/07/2006	Sydney D. Daniel	IRC293CON6 (14060/332695)	7008
23370	7590	06/10/2009	EXAMINER	
JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET SUITE 2800 ATLANTA, GA 30309			JUSKA, CHERYL ANN	
			ART UNIT	PAPER NUMBER
			1794	
			MAIL DATE	DELIVERY MODE
			06/10/2009	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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wk

Mailed: JUN 10 2009
In re application of
Daniel et al.
Serial No. 11/482,378
Filed: 07/07/2006
For: Random Installation Carpet Tiles

:
:
DECISION ON
:
PETITION
:

This is a decision on a PETITION filed March 25, 2009, 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 information submitted (subject to a protective order) on March 25, 2009 be expunged after review and consideration by the Examiner. 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.

/Gregory L Mills/

Gregory L. Mills, Acting Director
Technology Center 1700
Chemical and Materials Engineering

JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA GA 30309



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SEP 18 2007

TECHNOLOGY CENTER 3600

KING & SPALDING LLP
1180 PEACHTREE STREET
ATLANTA, GA 30309-3521

In re application of : **DECISION ON PETITION**
Randall Mueller et al. : **TO MAKE SPECIAL**
Application No. 11/482,379 : **(ACCELERATED**
Filed: July 07, 2006 : **EXAMINATION)**
For: ELECTRONIC IMAGE CASH LETTER BALANCING

This is in response to the petition filed on August 28, 2006 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(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.



Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(571) 272-6611

SNM/slb: 09/04/07



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Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland, OH 44114-3108

Mail Date: 04/20/2010

Applicant : Christian Blersch : DECISION ON REQUEST FOR
Patent Number : 7646376 : RECALCULATION of PATENT
Issue Date : 01/12/2010 : TERM ADJUSTMENT IN VIEW
Appliction No : 11/482,382 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/07/2006 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **716** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

DATE 10/15/07 APPLICATION NUMBER 11/482431
DOC CODE PET-DEC. OIPE DOC DATE 10/16/07

DELIVER THE ATTACHED FILE/DOCUMENT TO THE TC
SCANNING CENTER

CONTRACTOR: THE ATTACHED FILE/DOCUMENT MUST BE
INDEXED AND SCANNED INTO IFW WITHIN 8 WORK HOURS;
UPLOADING OF THE SCANNED IMAGES SHOULD OCCUR NO
LATER THAN 16 WORK HOURS
FOLLOWING RECEIPT OF THIS REQUEST

AFTER SCANNING, ORIGINAL DOCUMENTS SHOULD BE BOXED IN
ACCORDANCE WITH INSTRUCTIONS



PATENT LAW & VENTURE GROUP
2424 S.E. BRISTOL, SUITE 300
NEWPORT BEACH, CA 92660

COPY MAILED

OCT 16 2007

OFFICE OF PETITIONS

In re Application of :
Robert H. Reinicke, et al. :
Application No. 11/482,431 : **ON PETITION**
Filed: July 7, 2006 :
Attorney Docket No. Reinic.R-01 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 25, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Corrected Application Papers mailed August 1, 2006. The notice required replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121. A Notice of Abandonment was mailed on April 5, 2007. In response, on May 25, 2007, the present petition was filed.

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

The application is being referred to the Office of Initial Patent Examination (OIPE) for review of the drawings provided May 25, 2007.

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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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 05/26/2010

Applicant : Hong Chen : DECISION ON REQUEST FOR
Patent Number : 7668356 : RECALCULATION of PATENT
Issue Date : 02/23/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/482,445 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/07/2006 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **900** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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1201 WEST PEACHTREE STREET
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ATLANTA GA 30309

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MAY 31 2007

OFFICE OF PETITIONS

In re Application of: Tan et al. :
Application No.: 11/482,463 :
Filed: July 7, 2006 : **DECISION DISMISSING PETITION**
Docket No.: 49668.28561/0313/US :

This is a decision on the petition under 37 CFR 1.10(d), filed August 28, 2006, requesting that the above-identified application be accorded a filing date of July 6, 2006, rather than the presently accorded date of July 7, 2006.

The petition is DISMISSED.

Any request for reconsideration of this decision should be filed within TWO MONTHS of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted. If reconsideration is not requested within the time period specified above, this application will be referred to Technology Center 2800 with the presently accorded filing date of July 7, 2006.

Any person filing correspondence under 37 CFR 1.10 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.

The showing under 37 CFR 1.10(d) must be corroborated by (1) evidence from the USPS, or (2) evidence that came into being after deposit and within one business day of the deposit of the correspondence as "Express Mail." Evidence from the USPS may be the "Express Mail" Corporate Account Mailing Statement, or the USPS Form 5541C Pickup Service Statement Receipt, which is filled out by the USPS at the time of pick-up of the correspondence as Express Mail. Due to the questionable reliability of evidence from a party other than the USPS that did not come into being contemporaneously with the deposit of the correspondence with the USPS, 37 CFR 1.10(d) specifically requires that any petition under 37 CFR 1.10(d) be corroborated either by evidence from the USPS, or by evidence that came into being after deposit and within one business day

after the deposit of the correspondence as "Express Mail." Evidence that came into being within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains information such as the "Express Mail" number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log. Conversely, evidence created prior to the deposit of the correspondence as "Express Mail" with the USPS (e.g., an application transmittal cover letter, or a client letter prepared prior to the deposit of the correspondence); or created more than one business day after the deposit of the correspondence as "Express Mail" (e.g., an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as "Express Mail") cannot be accepted under the terms of the rule.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited in the firm's mail room, from which correspondence is thereafter taken to a nearby Postal Office by a mailroom staff member prior to the last scheduled pickup of the day.

A grantable petition under 37 CFR 1.10(d) must include:

- (1) The filing of a petition 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 placement of the "Express Mail" number on the mailing label of the paper(s) or fee(s) that constitutes the correspondence prior to the original mailing by "Express Mail"; and
- (3) A showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

The petition lacks item (3). The evidence, from either the USPS, or created after deposit with the USPS but within one business day thereafter fails to support the contention that Express Mail package Label Number EV835838074US was properly entrusted to the US Postal Service as Express Mail Postal Service to Addressee on July 6, 2007.

The showing of record is merely that the instant contested correspondence accompanied by First Class mail was deposited with the firm's mail room on the date alleged; it does not establish when and how the instant correspondence was entrusted to the USPS in the manner required by 37 CFR 1.10.

The statement of Sandra Boyd, the mail room supervisor, was prepared more than one business day after July 6, 2006, and as such is not probative of the issue. Furthermore, Boyd's statement is not corroborated by any direct evidence that was prepared **after deposit of the correspondence with the USPS**, yet within one business day of that act. Rather, Boyd only speaks to the usual and ordinary way that the outgoing mail is treated at the firm. However, the usual and ordinary way of doing business at the firm cannot take the place of proper documentation required by the rule. Cf. Krahn v. Commissioner, 15 USPQ2d 1823, 1825 (D.C. E Va 1990)(the usual and ordinary procedures in effect at counsel's firm, even where demonstrably followed, do not provide the direct evidence necessary to show the paper was timely entrusted to the USPS, in the absence of a copy of a certification under 37 CFR 1.8). Further, a party's lack of making or maintaining adequate business records to support a contention that a paper was actually entrusted to the USPS does not warrant relief. Krahn, Id.; 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 USPS evidence that application was actually deposited with USPS as "Express Mail"), aff'd without opinion, 95 F.3d 1166 (Fed. Cir.1996). Boyd does not attest that to her personal knowledge the instant correspondence was actually entrusted to the USPS as Express Mail on or before the last schedule pickup on the date alleged in the petition. The firm's log book records were simply not created after deposit of the correspondence with the USPS as Express Mail, as required.

It is further noted that the mere act of deposit of Express Mail correspondence with the USPS on a given date does not in of itself ensure that date will be accorded to the correspondence. See Nitto Chemical Industry. Co., Ltd. v. Comer, 39 USPQ2d 1778, 1781-2 (D.D.C. 1994)(consignment of Express Mail correspondence to a first class mail bin at the USPS does not properly entrust the correspondence to the custody of the USPS for purposes of 37 CFR 1.10). Since there is no showing that petitioner deposited the instant correspondence in the Express Mail Post Office to Addressee service of the USPS prior to the last scheduled pick-up on July 6, 2006, the Office is not permitted, under the terms of 37 CFR 1.10(d), to correct the alleged "date-in" error of the USPS in this instance. See Honigsbaum at 10, 37 USPQ2d at 1800 (USPTO refusal to waive requirements of 37 CFR 1.10, where applicant failed to produce Official USPS records, in order to grant priority filing date to patent application not arbitrary and capricious, because the evidence submitted by petitioner was not corroborated by any showing outside of counsel's office.)

37 CFR 1.10(b) provides that correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked, and that persons dealing, as here, indirectly with the employees of the USPS (such as by depositing correspondence in an "Express Mail" drop box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked.

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 matter may be directed to the undersigned at (571) 272-3217.



Brian Hearn
Petitions Examiner
Office of Petitions



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

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AUG 29 2006

OFFICE OF PETITIONS

In re Application of	:	
Judd B. Lynn	:	
Application No. 11/482,475	:	DECISION ON PETITION
Filed: July 07, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. JLYNN.001DV1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 07 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 applicants signed statement showing proof of age 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 2879 for action on the merits commensurate with this decision.


 David Bucci
 Petitions Examiner
 Office of Petitions



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

Mail Date: 04/28/2010

Applicant	: Michael A. Evans	: DECISION ON REQUEST FOR
Patent Number	: 7666220	: RECALCULATION OF PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/482,503	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **424** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

MAILED

MAY 07 2009

In re Application of	:	OFFICE OF PETITIONS
Robert S. Kieval, et al.	:	
Application No. 11/482,505	:	DECISION ON PETITION
Filed: July 7, 2006	:	TO WITHDRAW
Attorney Docket No. 021433-000154US	:	FROM RECORD
	:	

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

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

There is an outstanding Office action mailed January 8, 2009 that requires a reply from the applicant.

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


Terri Williams
Petitions Examiner
Office of Petitions

cc: **Robert S. Kieval**
850 Foxberry Circle
Medina, MN 55340

cc: **PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.**
4800 IDS Center
80 South 8th Street
Minneapolis, MN 55402-2100



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/482,505	07/07/2006	Robert S. Kieval	021433-000154US

CONFIRMATION NO. 6000

POWER OF ATTORNEY NOTICE



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

Date Mailed: 05/06/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/12/2009.

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

/tswilliams/

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



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TWO EMBARCADERO CENTER
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SAN FRANCISCO, CA 94111-3834

Mail Date: 04/23/2010

Applicant	: Kepeng Li	: DECISION ON REQUEST FOR
Patent Number	: 7604162	: RECALCULATION OF PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/482,506	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/06/2006	: 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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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 5400
SEATTLE, WA 98104-7092

Mail Date: 04/21/2010

Applicant : Gianfranco Cerofolini : DECISION ON REQUEST FOR
Patent Number : 7605066 : RECALCULATION of PATENT
Issue Date : 10/20/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/482,513 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/07/2006 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **461** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

Mail Date: 04/21/2010

Applicant : Santi Carlo Adamo : DECISION ON REQUEST FOR
Patent Number : 7617407 : RECALCULATION of PATENT
Issue Date : 11/10/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/482,517 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/06/2006 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **621** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

**COPY MAILED
NOV 24 2008**

In re Application of	:	
BARLOW , Carrolee et al.	:	
Application No. 11/482,528	:	DECISION ON PETITION
Filed: July 07, 2006	:	TO WITHDRAW
Attorney Docket No. 026106-000420US	:	FROM RECORD
	:	

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 28, 2008.

The request is **APPROVED**.

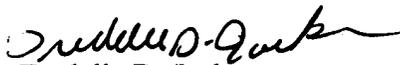
A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they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

The request was signed by Kenneth Jenkins on behalf of all attorneys of record who are associated with customer No. 20305. All attorneys/agents associated with the Customer Number 20305 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed November 12, 2008 that requires a reply from the applicant.

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



Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **CAROLEE BARLOW**
510 TORREY POINT ROAD
DEL MAR CA 92014-3630

cc: **BRIANCELLS, INC.**
10835 ROAD TO THE CURE
SUITE 150
SAN DIEGO CA 92121



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

Mail Date: 06/07/2010

Applicant : Pietro Montanini : DECISION ON REQUEST FOR
Patent Number : 7629645 : RECALCULATION of PATENT
Issue Date : 12/08/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/482,531 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/06/2006 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **400** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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**WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP
TEN POST OFFICE SQUARE
BOSTON MA 02109**

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AUG 07 2009

OFFICE OF PETITIONS

In re Application of :
Hyungbin Son, et al. :
Application No. 11/482,545 : DECISION GRANTING PETITION
Filed: July 7, 2006 : UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. MAIT-054XX :

This is a decision on the petition, filed July 30, 2009, under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioner requests that the above-identified application be withdrawn from issue for express abandonment. *See* 37 CFR 1.313(c)(3).

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

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

Terri Williams
Petitions Examiner
Office of Petitions



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GRAYBEAL, JACKSON, HALEY LLP
155 - 108TH AVENUE NE
SUITE 350
BELLEVUE, WA 98004-5973

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OCT 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Andrzej Plucienniczak, et al	:	
Application No. 11/482,550	:	DECISION ON PETITION
Filed: July 7, 2006	:	TO WITHDRAW
Attorney Docket No. 2482-003-03	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 15, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Graybeal, Jackson Haley, LLP has been revoked by the assignee of the patent application on March 11, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

cc: PAUL LUNN, ESQ.
14606 - 135TH COURT NE
WOODINVILLE, WA 98072



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

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MAY 20 2008

OFFICE OF PETITIONS

In re Application of	:	
Alan Kingsman, et al.	:	
Application No. 11/482,552	:	DECISION ON PETITION
Filed: July 7, 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 January 24, 2008.

The request is **APPROVED**.

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

The request was signed by Karen B. Dow on behalf of all attorneys of record. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding mailed October 18, 2007 that requires a reply from the applicant.

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



Terri Williams
Petitions Examiner
Office of Petitions

cc: **Susan Mary Kingsman**
c/o Oxford BioMedica Limited, Medawar Centre
Robert Robinson Avenue, the Oxford Science
Oxford, OX4 4GA
United Kingdom

cc: **Marshall, Gerstein & Borun LLP**
233 South Wacker Drive
6300 Sears Tower
Chicago, IL 60606-6357



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/482,552	07/07/2006	Alan Kingsman	021911-000420US

CONFIRMATION NO. 4738

POWER OF ATTORNEY NOTICE



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

Date Mailed: 05/20/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/24/2008.

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

/tswilliams/

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



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GRAYBEAL JACKSON & HALEY, LLP
155 - 108TH AVENUE NE, SUITE 350
BELLEVUE, WA 98004-5973

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JUN 06 2008

In re Application of	:	
PLUCIENNICZAK, et al.	:	
Application No. 11/482,554	:	DECISION ON PETITION
Filed: July 7, 2006	:	TO WITHDRAW
Attorney Docket No. 2482-002-03	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 15, 2008.

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

A review of the file record indicates that the power of attorney to **GRAYBEAL JACKSON & HALEY, LLP** has been revoked by the assignee of the patent application on March 12, 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: **PAUL LUNN, ESQ.**
14606 - 135TH CT NE
WOODINVILLE, WA 98072



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

MAILED

MAR 12 2009

In re Application of	:	OFFICE OF PETITIONS
Robert S. Kieval et al.	:	
Application No. 11/482,563	:	DECISION ON PETITION
Filed: July 7, 2006	:	TO WITHDRAW
Attorney Docket No. 021433-000151US	:	FROM RECORD
	:	

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 12, 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 James M. Heslin on behalf of all attorneys/agents associated with customer number 20350. All attorneys/agents associated with 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. Accordingly, all correspondence will be mailed to address of the assignee at the first copied address below. A courtesy copy of this decision will be mailed to the address noted on the request. If this person(s) desire to receive future correspondence regarding this application, the proper power of attorney documents must be submitted.

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

Kimberly Inabinet
Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: CVRX, Inc.
10900 73rd Avenue North
Suite 116
Maple Grove, MN 55369

cc: Patterson, Thunte, Skaar
& Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, MN 55402-2100



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/482,563	07/07/2006	Robert S. Kieval	021433-000151US

CONFIRMATION NO. 5725

POWER OF ATTORNEY NOTICE

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



Date Mailed: 03/12/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/12/2009.

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

/kainabinet/

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



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

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
KIEVAL, Robert S. et al. :
Application No. 11/482,574 :
Filed: July 07, 2006 :
Attorney Docket No. **021433-000415US** :

**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 12, 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 James Heslin on behalf of all attorneys of record who are associated with customer No. 20350. All attorneys/agents associated with the Customer Number 20350 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed January 14, 2009 that requires a reply from the applicant.

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



Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **ROBERT S. KIEVAL**
850 FOXBERRY CIRCLE
MEDINA MN 55340

cc: **PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.**
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/482,580	07/07/2006	Nikolay Suslov	11773-002-999	6530
20583	7590	04/19/2010		
JONES DAY 222 EAST 41ST ST NEW YORK, NY 10017			EXAMINER RALIS, STEPHEN J	
			ART UNIT	PAPER NUMBER
			3742	
			MAIL DATE	DELIVERY MODE
			04/19/2010	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.

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re Application of
SUSLOV, NIKOLAY

Appl. No.: 11/482,580

Filed: July 7, 2006

Atty. Docket No: 11773-002-999:

For: PLASMA-GENERATING DEVICE,
PLASMA SURGICAL DEVICE AND USE
OF A PLASMA SURGICAL DEVICE

: DECISION ON PETITION

: Under 37 CFR 1.59

This is a decision on the petition under 37 CFR 1.59(b), filed April 8, 2010 to expunge information from the above identified application. The petition fee of \$200.00 set forth in 37 CFR 1.17(g) has been charged to Deposit Account in accordance with the petition.

The decision on the petition will be held in abeyance until allowance of the application or mailing of an *Ex parte Quayle* action or a Notice of Abandonment, at which time the petition will be decided.

In the petition, petitioner requests that the information submitted on April 8, 2010 is proprietary material for examiner's consideration under MPEP § 724. It is noted petitioner has not provided a clear identification of the information to be expunged without disclosure of the details in accordance with MPEP § 704.02. Therefore, this petition will not be decided until a clear identification of the information to be expunged is received.

In the petition, 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.

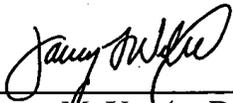
The decision on the petition is also held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability

of the claims. Thus, the decision on the petition to expunge must be held in abeyance 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, the information will be removed from the official file. Currently, the document in question has been stored separately in an artifact file folder for the remainder of prosecution. Petitioner is urged to provide a clear identification of the information to be expunged prior to the conclusion of the prosecution of the application.

Questions concerning this decision should be directed to Special Programs Examiner Henry C. Yuen at 571-272-4856.

Decision held in ABEYANCE.



Karen M. Young, Director
Technology Center 3700



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/482,581	07/07/2006	Nikolay Suslov	11773-001-999	6532

20583 7590 04/19/2010
JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

EXAMINER

DVORAK, LINDA C

ART UNIT PAPER NUMBER

3739

MAIL DATE DELIVERY MODE

04/19/2010

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.

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re Application of
SUSLOV, NIKOLAY :
Appl. No.: 11/482,581 : DECISION ON PETITION
Filed: July 7, 2006 : Under 37 CFR 1.59
Atty. Docket No : 11773-001-999 :
For: PLASMA-GENERATING DEVICE,
PLASMA SURGICAL DEVICE AND USE
OF PLASMA SURGICAL DEVICE

This is a decision on the petition under 37 CFR 1.59(b), filed April 8, 2010 to expunge information from the above identified application. The petition fee of \$200.00 set forth in 37 CFR 1.17(g) has been charged to Deposit Account in accordance with the petition.

The decision on the petition will be held in abeyance until allowance of the application or mailing of an *Ex parte Quayle* action or a Notice of Abandonment, at which time the petition will be decided.

In the petition, petitioner requests that the information submitted on April 8, 2010 is proprietary material for examiner's consideration under MPEP § 724. It is noted petitioner has not provided a clear identification of the information to be expunged without disclosure of the details in accordance with MPEP § 704.02. Therefore, this petition will not be decided until a clear identification of the information to be expunged is received.

In the petition, 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.

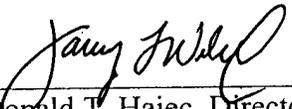
The decision on the petition is also held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability

of the claims. Thus, the decision on the petition to expunge must be held in abeyance 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, the information will be removed from the official file. Currently, the document in question has been stored separately in an artifact file folder for the remainder of prosecution. Petitioner is urged to provide a clear identification of the information to be expunged prior to the conclusion of the prosecution of the application.

Questions concerning this decision should be directed to Special Programs Examiner Henry C. Yuen at 571-272-4856.

Decision held in ABEYANCE.


Donald T. Hajec, Director
Technology Center 3700



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/482,582	07/07/2006	Nikolay Suslov	11773-003-999	6534

20583 7590 04/19/2010
JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

EXAMINER

DVORAK, LINDA C

ART UNIT PAPER NUMBER

3739

MAIL DATE DELIVERY MODE

04/19/2010

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.

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re Application of
SUSLOV, NIKOLAY :
Appl. No.: 11/482,582 : DECISION ON PETITION
Filed: July 7, 2006 : Under 37 CFR 1.59
Atty. Docket No : 11773-003-999 :
For: PLASMA-GENERATING DEVICE, PLASMA
SURGICAL DEVICE, USE OF A PLASMA-
GENERATING DEVICE AND METHOD OF
GENERATING A PLASMA

This is a decision on the petition under 37 CFR 1.59(b), filed April 8, 2010 to expunge information from the above identified application. The petition fee of \$200.00 set forth in 37 CFR 1.17(g) has been charged to Deposit Account in accordance with the petition.

The decision on the petition will be held in abeyance until allowance of the application or mailing of an *Ex parte Quayle* action or a Notice of Abandonment, at which time the petition will be decided.

In the petition, petitioner requests that the information submitted on April 8, 2010 is proprietary material for examiner's consideration under MPEP § 724. It is noted petitioner has not provided a clear identification of the information to be expunged without disclosure of the details in accordance with MPEP § 704.02. Therefore, this petition will not be decided until a clear identification of the information to be expunged is received.

In the petition, 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 decision on the petition is also held in abeyance because prosecution on the merits is not closed. 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 held in abeyance 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, the information will be removed from the official file. Currently, the document in question has been stored separately in an artifact file folder for the remainder of prosecution. Petitioner is urged to provide a clear identification of the information to be expunged prior to the conclusion of the prosecution of the application.

Questions concerning this decision should be directed to Special Programs Examiner Henry C. Yuen at 571-272-4856.

Decision held in ABEYANCE.


Donald T. Hajec, Director
Technology Center 3700



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

MAILED

JUN 14 2009

OFFICE OF PETITIONS

In re Application of :
Eric Barr Kushnick :
Application No.: 11/482,589 : ON PETITION
Filed: July 6, 2006 :
Attorney Docket No.: 333772002900 :

This is a decision on the petition, filed June 10, 2009, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

The application is being referred to Technology Center AU 2117 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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



Bourque & Associates
Intellectual Property Attorneys, P.A.
835 Hanover Street
Suite 301
Manchester, NH 03104

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JUN 23 2008

In re Application of :
Mark E. Collins :
Application No. 11/482,596 :
Filed: July 7, 2006 :
Attorney Docket No. Collins-001XX :

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 April 29, 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 Andrew R. Martin on behalf of all attorneys/agents associated with customer number 28452. All attorneys/agents associated with customer number 28452 have been withdrawn as attorney of record.

The Revocation of Power of Attorney and change of address filed on May 9, 2008 will be made of record.

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
Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Mark E. Collins
100 Clough-Sanborn Hill Road
Webster, NH 03303



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/482,596	07/07/2006	Mark E. Collins	COLLINS-001XX

CONFIRMATION NO. 7118

POWER OF ATTORNEY NOTICE



28452
BOURQUE & ASSOCIATES
INTELLECTUAL PROPERTY ATTORNEYS, P.A.
835 HANOVER STREET
SUITE 301
MANCHESTER, NH 03104

Date Mailed: 06/23/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/28/2008.

- 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



COOK ALEX LTD
SUITE 2850
200 WEST ADAMS STREET
CHICAGO, IL 60606

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IAN 13 2010

In re Application of
Shunpei Yamazaki
Application No.: 11/482,609
Filed: July 7, 2006
Attorney Docket No.: 0553-0179.02

:
:
:
:
:
:

ON PETITION

This is a decision on the petition, filed January 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 not signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Mark J. Murphy 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 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 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2629 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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



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

Date : January 13, 2010
TO : Director, Office of Data Management
FROM : Office of Petitions
SUBJECT : Withdrawal from Issue of **Application No. 11/482,609**

Applicant(s) : Shunpei Yamazaki
Application No. : 11/482,609
Filed : July 7, 2006

The above-identified application has been assigned Patent No. 7,656,377 and an issue date of February 2, 2010.

It is hereby directed that this application be withdrawn from issue at the request of the applicant. Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of February 2, 2010:

"All reference to Patent No. 7,656,377 to SHUNPEI YAMAZAKI of JAPAN for LIQUID CRYSTAL DISPLAY DEVICE appearing in the Official Gazette of February 2, 2010 should be deleted since no patent was granted."

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: Paul Harrison
Deneise Boyd
Mary Louise McAskill
Niomi Farmer
Mary E. Johnson (Cookie)
Dave Bender
Brad Harris
Kim Terrell
Lamont Fletcher



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WHIRLPOOL PATENTS COMPANY - MD 0750
500 Renaissance Drive Suite 102
St. Joseph, MI 49085

Mail Date: 04/21/2010

Applicant	: Tremitchell Wright	: DECISION ON REQUEST FOR
Patent Number	: 7665227	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/482,615	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **387** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
KIEVAL, Robert S. et al. :
Application No. 11/482,634 :
Filed: July 07, 2006 :
Attorney Docket No. **021433-000152US** :

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 12, 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 James Heslin on behalf of all attorneys of record who are associated with customer No. 20350. All attorneys/agents associated with the Customer Number 20350 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed January 08, 2009 that requires a reply from the applicant.

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



Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **ROBERT S. KIEVAL**
850 FOXBERRY CIRCLE
MEDINA MN 55340

cc: **PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.**
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100



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

MAILED

MAY 07 2009

In re Application of	:	OFFICE OF PETITIONS
Robert S. Kieval, et al.	:	
Application No. 11/482,635	:	DECISION ON PETITION
Filed: July 7, 2006	:	TO WITHDRAW
Attorney Docket No. 021433-00041US	:	FROM RECORD
	:	

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 12, 2009.

The request is **APPROVED**.

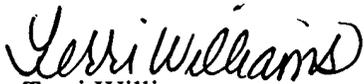
A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between 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 James M. Heslin 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.

The application became abandoned for failure timely respond to the Office action mailed August 22, 2008.

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



Terri Williams
Petitions Examiner
Office of Petitions

cc: **Robert S. Kieval**
850 Foxberry Circle
Medina, MN 55340

cc: **PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.**
4800 IDS Center
80 South 8th Street
Minneapolis, MN 55402-2100



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/482,635	07/07/2006	Robert S. Kieval	021433-000417US

CONFIRMATION NO. 7515

POWER OF ATTORNEY NOTICE



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

Date Mailed: 05/06/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/12/2009.

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

/tswilliams/

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



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FISH & NEAVE IP GROUP
ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON MA 02110-2624

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AUG 23 2007

OFFICE OF PETITIONS

In re Application of :
Chen, Getmanova, Wright, Harris, Lim and : DECISION REFUSING STATUS
Gokemeijer : UNDER 37 CFR 1.47(a)
Application No. 11/482,641 :
Filed: 07/07/2006 :
Attorney Docket No. COTH-P04-003 :
Title: PHARMACOKINETIC MODULATION :
AND COMPOSITIONS FOR MODIFIED FN3 :
POLYPEPTIDES :

This is in response to the petition under 37 CFR 1.47(a), filed on March 1, 2007 (certificate of mailing dated Monday, February 26, 2007). Applicants obtained an extension of time for response within the fifth month. Accordingly, the petition is filed timely.

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 address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

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

As to item (1), applicant must demonstrate with documented evidence that joint inventor Getmanova refuses to join in the application after having been presented with the application

papers (specification, claims, drawings and oath or declaration). There is no indication that inventor Getmanova was presented with a copy of the complete application papers for this application. From the evidence of record, it only appears that the joint inventor was presented with a copy of the declaration. If the joint inventor was not presented with a copy of the application papers for this application, then she could not attest that she has “reviewed and understand the application papers” and could not execute the declaration she was requested to sign. Unless applicant can show that a copy of the application papers was presented to the inventor Getmanova, then applicant must mail a copy of the complete application papers (specification, claims and drawings) to the last known address of the joint inventor, return receipt requested. A cover letter of instructions should accompany the mailing of the application papers setting 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. **The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as certified mail return receipt, cover letter of instructions, telegram, etc.** See MPEP 409.03(d).

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 applicant that an 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. If the non-signing inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

As to item (2), applicant has failed to submit an oath or declaration in compliance with 37 CFR 1.63 and 1.64. The declaration is not acceptable because the changes made on the declaration by inventor Lim, a signing inventor, were not initialed and/or dated.¹

Section 605.04(a) of the Manual of Patent Examining Procedure states that it is “improper for anyone, including counsel, to alter, rewrite, or partly fill in any part of the application, including the oath or declaration, after execution of the oath or declaration by the applicant.” Furthermore, 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.” *Id.* Deficiencies or inaccuracies in an oath or declaration may be corrected by a supplemental oath, declaration² or an application data sheet.

¹ “Any interlineation, erasure, cancellation or other alteration of the application papers...should be dated and initialed or signed by the applicant on the same sheet of paper.” 37 CFR 1.52(c)(1).

² “The supplemental oath or declaration must (1) identify the entire inventive entity, and (2) be signed . . . by **only those inventor(s) or applicants (37 CFR 1.42, 1.43, or 1.47) to whom the corrections relates.** See 37 CFR 1.67(a).” MPEP 603 (emphasis added).

Accordingly, on renewed petition, applicant must identify the inventive entity, as well as the citizenship, residence and post office address of inventor Lim in either in (1) a supplemental oath or declaration signed by Lim or (2) a supplemental application data sheet pursuant to 37 CFR 1.76 and **signed in compliance with 37 CFR 1.33(b)**.

The Office finance records indicate that applicant paid a \$130.00 petition fee. However, the current fee for filing a petition under 37 CFR 1.47(a) is \$200.00. Therefore, the Office will charge the Deposit Account in the amount of \$70.00, as authorized.

No additional fee is required for filing a renewed petition under 37 CFR 1.47(a).

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

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

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

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

Correspondence may also be submitted electronically to the USPTO.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



PEPPER HAMILTON LLP
FIRM 21269
ONE MELLON CENTER
500 GRANT STREET, 50TH FLOOR
PITTSBURGH PA 15219

MAILED

JUL 09 2010

In re Application of
Timothy L. Robinson
Application No. 11/482,646
Filed: July 7, 2006
Attorney Docket No.: 134779.10071

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition filed April 28, 2010, under 37 CFR 1.181, to withdraw the holding of abandonment for the above-identified application.

The petition under 37 CFR 1.181 is **DISMISSED** as involving moot issues.

Petitioner asserts that in an Interview of August 27, 2009, memorialized in an Interview Summary of September 1, 2009, it was noted that an agreement with respect to the claims was reached, and that the "Applicant's Remarks/Arguments made in an Amendment filed on 05/19/2009 are found persuasive, therefore, the 'Finality' in the Office Action previously mailed on 03/19/2009 is hereby withdrawn, and a new Office Action will be sent out soon".

The summarized telephonic interview as well as the advisory action mailed July 23, 2009 is a confirmation that the amendment filed May 19, 2009 was timely and responsive to the Final Office Action mailed March 19, 2009 and thus there is no abandonment in fact.

In view thereof, this matter will be referred to Technology Center 3621 for further examination in due course.

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



FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

SEP 30 2009

OFFICE OF PETITIONS

In re Application of :
Anthony C. BONORA et al. :
Application No. 11/482,650 : **DECISION ON PETITION**
Filed: July 07, 2006 :
Attorney Docket No. **ASTGP134** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 17, 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 27, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 28, 2008.

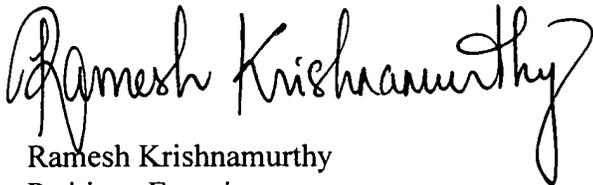
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1620, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of November 27, 2007 is accepted as being unintentionally delayed.

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

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

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

This application is being referred to Technology Center AU 3651 for appropriate action on the concurrently filed amendment.



Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **MICHAEL L. GENCARELLA, ESQ.**
710 LAKEWAY DRIVE, SUITE 200
SUNNYVALE CA 94085



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ROZSA LAW GROUP LC
18757 BURBANK BOULEVARD
SUITE 220
TARZANA CA 91356-3346

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NOV 14 2006

OFFICE OF PETITIONS

In re Application of	:	
GUTENTAG	:	
Application No. 11/482,657	:	DECISION ON PETITION
Filed: July 08, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 23110.066	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 31, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The evidence submitted with the instant petition is a declaration signed by Mr. Gutentag indicating that he is at least 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Patricia Volpe at 571-272-6825.

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 3728 for action on the merits commensurate with this decision.


Patricia Volpe
Petitions Examiner
Office of Petitions



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

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OFFICE OF PETITIONS

In re Application of

Robert S. KIEVAL, et al.

Application No. 11/482,662

Filed: July 7, 2006

Attorney Docket No. **021433-000416US**

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

The request to change the correspondence of record is not acceptable as the requested correspondence address as it is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor Robert S. Kieval 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: **ROBERT S. KIEVAL**
850 FOXBERRY CIRCLE
MEDINA, MN 55340

cc: **PATTERSON THUENTE SKAAR & CHRISTENSEN, PA.**
80 SOUTH 8TH STREET - 4800 IDS CENTER
MINNEAPOLIS, MN 55402-2100

Attachment: Power/Revocation/New Power Of Attorney with Address Change (PTO/SB/81)



BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

COPY MAILED

MAR 24 2008

In re Application of :

Hum et al. :

Application No. 11/482673 :

Filing or 371(c) Date: 07/06/2006 :

Attorney Docket Number: :

42P13984C :

OFFICE OF PETITIONS

ON PETITION

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed December 31, 2007. The petition asserts that a timely response to the Office action was filed. The petition is properly treated as a request for withdrawal of the holding of abandonment 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 September 7, 2006. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No response having been received, the application became abandoned on December 8, 2006. A Notice of Abandonment was mailed April 10, 2007.

Applicant's Assertion

Applicant files the present petition and asserts that a timely reply to the Office action was filed on November 20, 2006. Applicant asserts that the Notice of Abandonment incorrectly identified the reply as a reply to a final Office action. Applicant also avers that the Notice of Abandonment was mailed to the previous correspondence address of record. In support of this assertion, Applicant files a copy of the Reply and a copy of the Notice of Abandonment.

Abandonment of the Application

A review of Office records reveals that a Terminal Disclaimer and fee were received by this Office on November 20, 2006.

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.

Correspondence Address

The MPEP states that “[w]here 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. MPEP 601.03

A review of Office records reveals that 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.

Conclusion

The application will be referred to Technology Center Art Unit 2185 for processing of the Reply.

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



Derek L. Woods
Attorney
Office of Petitions

CC: RAMIN AGHEVLI
9249 S. BROADWAY BLVD., UNIT 200-201
HIGHLANDS RANCH, CO 80129



CAVEN & AGHEVLI
C/O INTELLEVATE, LLC
P.O. BOX 52050
MINNEAPOLIS MN 55402

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MAY 30 2008

OFFICE OF PETITIONS

In re Application of :
Herbert H.J. Hum et al :
Application No. 11/482,673 : DECISION GRANTING PETITION
Filed: July 6, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. P13984C :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 28, 2008, and supplemented on May 29, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 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 2185 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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1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

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OFFICE OF PETITIONS

In re Patent No. 7,451,253 :
Application No. 11/482,696 :
Filed: July 10, 2006 :
Issued: November 11, 2008 :
Attorney Docket No. 51042 :

ON PETITION

This is a decision on the petition filed December 3, 2008, which is being treated as a request under 37 CFR 3.81(b)¹ to add the name of the assignee, Samsung Electronics Co. Ltd., on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

The \$130.00 processing fee required by 37CFR 3.81(b) will be charged to petitioner's deposit account as authorized.

This matter is referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3206. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Liana Walsh
Petitions Examiner
Office of Petitions

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



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Terry W. Kramer, Esq.
Kramer & Amado, P.C.
1725 Duke Street, Suite 240
Alexandria, VA 22314

Mail Date: 06/15/2010

Applicant	: Hayrettin Buyuktepe	: DECISION ON REQUEST FOR
Patent Number	: 7634631	: RECALCULATION OF PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/482,706	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **994** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON DC 20036

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Dijk, et al. :
Application No. 11/482,709 :
Filed: July 10, 2006 :
Attorney Docket No. **22409-00311-US** :

This is a decision on the petition under 37 CFR 1.182 filed March 18, 2008, to change the order of the inventors cited on this application in USPTO records.

The petition is **granted**.

The order of the inventors is now as follows:

1. Bastiaan van Dijk
2. Ernst L. von Wallenberg
3. Kyriaky Griffin

A corrected filing receipt is enclosed.

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

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

Kenya A. McLaughlin
Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt



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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/482,709, 07/10/2006, 3762, 1680, 22409-00311-US, 27, 4

CONFIRMATION NO. 6165

CORRECTED FILING RECEIPT



30678
CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON, DC 20036

Date Mailed: 05/01/2008

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

Applicant(s)

Bastiaan van Dijk, Lane Cove, AUSTRALIA;
Ernst L. von Wallenberg, Lane Cove, AUSTRALIA;
Kyriaky Griffin, Lane Cove, AUSTRALIA;

Assignment For Published Patent Application

Cochlear Limited, Lane Cove, AUSTRALIA

Power of Attorney: The patent practitioners associated with Customer Number 22506

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/697,730 07/08/2005

Foreign Applications

If Required, Foreign Filing License Granted: 08/02/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/482,709

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Directional sound processing in a cochlear implant

Preliminary Class

607

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

Mail Date: 04/21/2010

Applicant	: Young-Soo Park	: DECISION ON REQUEST FOR
Patent Number	: 7598890	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/482,711	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **725** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

Mail Date: 04/29/2010

Applicant	: Kazutoshi Awano	: DECISION ON REQUEST FOR
Patent Number	: 7638461	: RECALCULATION OF PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/482,713	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **615** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 06/09/2010

Applicant : Woo-Hu Tsai : DECISION ON REQUEST FOR
Patent Number : 7629731 : RECALCULATION of PATENT
Issue Date : 12/08/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/482,723 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/10/2006 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **732** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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PILLSBURY WINTHROP SHAW PITTMAN LLP
PO BOX 10500
MCLEAN VA 22102

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OFFICE OF PETITIONS

In re Application of :
Edward G. Sutt, Jr. :
Application No. 11/482,729 : **DECISION ON PETITION**
Filed: July 10, 2006 :
Attorney Docket No. 011988-0373782 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed October 28, 2008.

The petition is **GRANTED**.

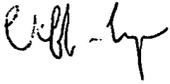
The above-identified application was held abandoned for failure to timely file a response to the non-final Office action mailed April 9, 2008. This Office action set a shortened statutory period for reply of three (3) months. Therefore, the last day a reply could have been timely filed, with a three month extension of time, would have been October 9, 2008. The Office mailed a Notice of Abandonment on October 20, 2008.

A review of the application file reveals the presence of an Amendment, filed on October 8, 2008, made timely by obtaining a three month extension of time. A review of Office finance records confirms that the Office received and processed the fee for the three month extension of time on October 8, 2008. Accordingly, it is obvious that the Notice of Abandonment was mailed in error.

In view thereof, **the holding of abandonment is withdrawn.**

The matter is being forwarded to Group Art Unit 3728 for consideration of the Amendment, timely filed with a three month extension of time on October 8, 2008.

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



Cliff Congo
Petitions Attorney
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/482,782	07/07/2006	Yoshikazu Okuyama	067538-5016US	6704

7590 07/30/2008
MORGAN, LEWIS & BOCKIUS, LLP.
2 PALO ALTO SQUARE
3000 EL CAMINO REAL
PALO ALTO, CA 94306

EXAMINER

NGUYEN, THANH T

ART UNIT	PAPER NUMBER
2893	

MAIL DATE	DELIVERY MODE
07/30/2008	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.

Patent, Publication Branch
Office of Data Management

Repln. Ref: 07/31/2008 BPOWELL 0011310100
DAH:500310 Name/Number:11482782
FC: 9204 \$900.00 CR

Adjustment date: 07/31/2008 BPOWELL
07/12/2006 DEHMANU1 00000025 11482782
02 FC:1111 -500.00 OP
04 FC:1201 -400.00 OP



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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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/482,802 07/10/2006 Se-Tae Kim 50947 6926
EXAMINER MOORE, DAVID K
ART UNIT PAPER NUMBER 2625
MAIL DATE DELIVERY MODE 02/02/2009 PAPER

7590 02/02/2009
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

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

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

The petition is granted.

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

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

Betty Powell (handwritten signature)

Patent Publication Branch
Office of Data Management

Adjustment date: 02/02/2009 BPOWELL
07/12/2006 DEMANU1 00000066 11482802
02 FC:1111 -500.00 OP

Repin. Ref: 02/02/2009 BPOWELL 0016553300
DAH:150461 Name/Number:12003042
FC: 9204 \$510.00 CR



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/482,819 07/10/2006 Mitsuo Inoue 293386US2DIV 7832

7590 06/04/2008
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

VU, NGOC YEN T

ART UNIT PAPER NUMBER

2622

NOTIFICATION DATE DELIVERY MODE

06/04/2008

ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Handwritten signature of Momi Sarma

Patent Publication Branch
Office of Data Management

Refund Ref: 06/03/2008 0030056432

Adjustment date: 06/03/2008 NFARMER
07/12/2006 ABERAE 00000063 11482819
02 FC:1111 -500.00 OP

Credit Card Refund Total: \$500.00

Am Exp.: XXXXXXXXXXXX1007



MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

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NOV 26 2007

OFFICE OF PETITIONS

In re Application of
Jae Soo Kim, et al.
Application No. 11/482, 840
Filed: July 10, 2006
Attorney Docket No. 300602003610

:
:
:
:
:
:

**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 **DISMISSED** 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 September 5, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

April M. Wise
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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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

MAILED

JUN 21 2010

In re Patent No. 7,622,612 :
Issue Date: November 24, 2009 :
Application No. 11/482,855 :
Filed: July 10, 2006 :
Attorney Docket No. 1034061-000018 :

OFFICE OF PETITIONS
DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed April 29, 2010, requesting issuance of duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Office of Data Management is directed to issue duplicate Letters Patent.

As authorized, the \$400 fee for the petition under 37 CFR 1.182 has been charged to petitioner's credit card.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3230. Inquiries regarding the issuance of duplicate Letters Patent may be directed to Niomi Farmer in the Office of Data Management at (703) 756-1556.

A copy of this decision is being sent to Office of Data Management for issuance of duplicate Letters Patent.

Shirene Willis Brantley
Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

cc: Niomi Farmer, Randolph Square, 9th Floor, Room D30-B (Fax No. (571) 270-9753)



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P.O. Box 1450
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FEB 15 2007

FULBRIGHT & JAWORSKI, LLP
600 CONGRESS AVENUE, SUITE 2400
AUSTIN TX 78745

In re Application of :
John A. Schillinger et al. :
Serial No.: 11/482,859 : PETITION TO MAKE SPECIAL
Filed: July 7, 2006 :
Attorney Docket No.: STK-008CN :

This is in response to applicants' petition filed January 23, 2007, to make the above-identified application special under the provisions of 37 CFR 1.102(d) and M.P.E.P 707.02 and 708.01(I).

This application satisfies the provisions set forth in M.P.E.P. 707.02 and 708.01(I) in that it the subject matter has been pending in this and its parent applications for more than 5 years.

Therefor the petition is **GRANTED**.

The petition fee of \$130.00 will be charged to applicants' Deposit Account No. 50-1212, as directed.

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.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600



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ALEXANDRIA, VA 22313-1450
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SEP 21 2007

OFFICE OF PETITIONS

GARY F. WITTING
5834 EAST OAK STREET
SCOTTSDALE AZ 85257

In re Application of :
Marasco :
Filed: July 7, 2006 : ON PETITION
Application No. 11/482,898 :
Atty. Dkt. No.: MM-05-003 :

This decision is in response to the petition filed August 23, 2006 to accord the above-identified application a filing date of July 7, 2006 with Figure 2 as part of the original application as filed.

The application was filed July 7, 2006. The Notice mailed August 2, 2006 indicated that the application had been accorded a filing date but that Figure 2 appeared to have been omitted from the application as filed.

In response, petitioner herein argues that the application as deposited included Figure 2 and has presented as proof of mailing and proof of receipt of Figure 2 a copy of a return postcard date stamped by the Office on July 7, 2006. A copy of figure in question was submitted with the instant petition.

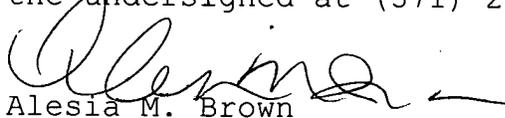
The original drawing sheet containing Figure 2 has not been located. However, in view of the evidence presented, the petition to accord the application a filing date of July 7, 2006 is **GRANTED**.

Since the original of Figure 2 cannot be located in the Office, the copy submitted herewith will be used for examination purposes.

No petition fee is due in connection with this matter.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of July 7, 2006 with Figure 2 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.

A handwritten signature in cursive script, appearing to read "Alesia M. Brown", with a horizontal line extending to the right.

Alesia M. Brown
Petitions Attorney
Office of Petitions



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MAILED

JUL 03 2007

Technology Center 2100

Sean R. O'Dowd
COOLEY GODWARD KRONISH LLP
1200 – 19TH Street NW, Suite 500
Washington, DC 20036-2402

In re Application of: Lowe, et al.)
Application No. 11/482,903)
Filed: July 7, 2006) **DECISION ON PETITION TO MAKE**
For: METHOD AND SYSTEM FOR) **SPECIAL UNDER 37 C.F.R. §1.102(d)**
DETECTING ANS REMOVING) **AND M.P.E.P. §708.02(XI)**
HIDDEN PESTWARE FILES)

This is a decision on the petition to make special filed 24 August 2006 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(XI): Inventions For Countering Terrorism.

The petition is **DENIED**.

M.P.E.P. §708.02(XI), which sets forth the prerequisites for a grantable petition for Inventions For Countering Terrorism under 37 C.F.R. § 1.102(d), states in relevant part:

International terrorism as defined in 18 U.S.C. 2331 includes “activities that - (A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; [and] (B) appear to be intended - (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnapping...” The types of technology for countering terrorism could include, but are not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems.

All applicants desiring to participate in this program should petition that their applications be accorded special status. The petition under 37 CFR 1.102 must state that special status is sought because the invention materially contributes to countering terrorism. No fee is required for such a petition. See 37 CFR 1.102(c). If the application disclosure is not clear on its face that the claimed invention is materially directed to countering terrorism, the petition must be accompanied by a statement under 37 CFR 1.102 by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the invention materiality contributes to countering terrorism. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could counter terrorism. Nor does such standard permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may be directed to countering terrorism.

Petitioner's submission fails to meet the criteria set out with respect to countering terrorism in M.P.E.P. §708.02(XI). The claimed invention and specification are generally directed to a process of detecting a potential hidden pestware file on a storage device and removing such a hidden pestware file on a storage device of a computer. Therefore, the application is not clear on its face that the claimed invention is materially directed to countering terrorism.

Petitioner does not establish a sufficient nexus between the disclosed and claimed invention and preventing "violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State" or activities "that would be a criminal violation if committed within the jurisdiction of the United States or of any State", or preventing acts that appear to be intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation or coercion, or affect the conduct of a government by assassination or kidnapping.

As a result, no advancement in the technology of countering terrorism has been persuasively shown.

Accordingly, the petition is **DENIED**. Any request for reconsideration must be filed within two months of the mailing date of this decision.



Vincent Trans, SPRE/QAS
Technology Center 2100
Computer Architecture, Software, and
Information Security
(571) 272-3613



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KED & ASSOCIATES, LLP
INTEL CORPORATION
P.O. BOX 221200
CHANTILLY, VA 20153-1200

Mail Date: 04/21/2010

Applicant : Haiming Jin : DECISION ON REQUEST FOR
Patent Number : 7576815 : RECALCULATION of PATENT
Issue Date : 08/18/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/482,906 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/10/2006 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **159** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



GEORGE WEEKS
9 SPRUCE MOUNTAIN TRAIL
DANBURY CT 06810

COPY MAILED

FEB 21 2007

OFFICE OF PETITIONS

In re Application of	:	
Weeks	:	
Application No. 11/482,942	:	DECISION ON PETITION
Filed: July 10, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(2)

This is a decision on the petition under 37 CFR 1.102(c)(2) (ii), filed July 10, 2006, to make the above-identified application special based on the invention materially contributing to certain categories related to energy resource as set forth in M.P.E.P. § 708.02, Section VI.

The petitions are **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(ii) and MPEP § 708.02, Section VI: Energy, must state that special status is sought because the invention materially contributes to (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), hydrogen fuel technologies, nuclear energy, solar energy, etc. Category (B) would include inventions relating to the reduction of energy consumption in combustion systems, industrial equipment, household appliances, etc. If the application disclosure is not clear on its face that the claimed invention materially contributes to category (A) or (B), the petition must be accompanied by a statement under 37 CFR 1.102 by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. No fee is required.

The instant petition, fails to meet the materiality standard of 37 CFR 102(c)(2)(ii). Although the disclosure may be generally directed to a coating with a non-stick or friction reducing agent, the materiality standard of the rule has not been met, i.e., petitioner has failed to state how the claimed invention contributes in a significant, substantial, or noticeable manner to inventions relating to the reduction of energy consumption. The materiality standard does not permit the applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially contribute to category (A) or (B) as set forth above. Accordingly, it is unclear as to how the claimed invention would contribute in a significant manner to category (A) or (B).

This lack of meeting the materiality standards of 37 CFR 102(c)(2) (ii) does not permit the applicant to enjoy the benefit of advanced examination.

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

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

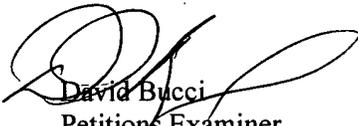
By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Jefferey Harold at 571-272-7519, 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 1762 for action in its regular turn.


David Bucci
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/482,953	07/10/2006	Kia Silverbrook	MTD001US	6855
24011	7590	01/24/2008	EXAMINER	
SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, 2041 AUSTRALIA			MEIER, STEPHEN D	
			ART UNIT	PAPER NUMBER
			2853	
			MAIL DATE	DELIVERY MODE
			01/24/2008	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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1/20/2008

SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN 2041 AU AUSTRALIA

In re Application of: SILVERBROOK et al.
Serial No.: 11/482,953
Filed: July 10, 2006
Docket: **MTD001US**

:
:
: **DECISION ON PETITION**
: **UNDER 37 CFR 1.48 on**
: **Correction of Inventorship**
:
:

This is a decision on the "Petition under 37 CFR 1.48 filed March 1, 2007 to add the following inventors: Samuel George MALINSON and Paul Justin REICHL.

The petition is GRANTED.

The inventive entity is therefore: Kia SILVERBROOK, Roger Mervyn Lloyd FOOTE, Angus John NORTH, Jennifer Mia FISHBURN, Paul David LUNSMANN, Alexandra Artemis PAPADAKIS, Lakshmi C.S., Frederick Jacobus CROUS, Matthew Stewart WALKER, Samuel George MALINSON and Paul Justin REICHL.

Stephen D. Meier
Supervisory Patent Examiner,
Art Unit 2853



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11A

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/482,977	07/10/2006	Kia Silverbrook	MTD002US	6975

24011 7590 01/15/2008
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

EXAMINER

MEIER, STEPHEN D

ART UNIT	PAPER NUMBER
2853	

MAIL DATE	DELIVERY MODE
01/15/2008	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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1/20/2008

SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN 2041 AU AUSTRALIA

In re Application of: SILVERBROOK et al.
Serial No.: 11/482,977
Filed: July 10, 2006
Docket: **MTD002US**

:
:
: **DECISION ON PETITION**
: **UNDER 37 CFR 1.48 on**
: **Correction of Inventorship**
:
:

This is a decision on the "Petition under 37 CFR 1.48 filed March 1, 2007 to add the following inventors: Samuel George MALINSON and Paul Justin REICHL.

The petition is GRANTED.

The inventive entity is therefore: Kia SILVERBROOK, Roger Mervyn Lloyd FOOTE, Angus John NORTH, Jennifer Mia FISHBURN, Paul David LUNSMANN, Alexandra Artemis PAPADAKIS, Lakshmi C.S., Frederick Jacobus CROUS, Matthew Stewart WALKER, Samuel George MALINSON and Paul Justin REICHL.

Stephen D. Meier
Supervisory Patent Examiner,
Art Unit 2853



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BALMAIN 2041 AU AUSTRALIA

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OFFICE OF PETITIONS

In re Application of
Vesa Karppinen, et. al.
Application No. 11/482,987
Filed: July 10, 2006
Attorney Docket No. FNE019US

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 20, 2009 and supplemented on December 30, 2009, to revive the above-identified application.

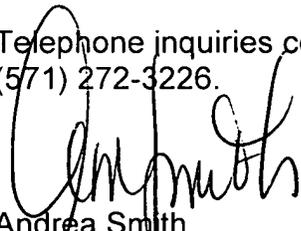
The application became abandoned for failure to reply in a timely manner to the Ex parte Quayle action, 1935 Dec. Comm'r Pat. 11 (1935), mailed May 13, 2009. A Notice of Abandonment was mailed on December 10, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of (1) a Request for Continued Examination (RCE) under 37 CFR 1.114 with the \$810 filing fee and an amendment; (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application is being revived for consideration of the RCE filed on December 30, 2009.

The application file is being referred to Technology Center Art Unit 2853, for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

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


Andrea Smith
Petitions Examiner
Office of Petitions



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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

Mail Date: 04/21/2010

Applicant : Steve Oliver : DECISION ON REQUEST FOR
Patent Number : 7626269 : RECALCULATION of PATENT
Issue Date : 12/01/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/483,002 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/06/2006 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **623** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



GARLICK HARRISON & MARKISON
P.O. BOX 160727
AUSTIN TX 78716-0727

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MAR 19 2008

In re Application of :
Steve (Stephen) Wu :
Application No. 11/483,016 :
Filed: July 7, 2006 :
Attorney Docket Number: BP4416 :

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b),¹ filed January 31, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned November 21, 2006, for failure to timely reply to the Notice to File Missing Parts mailed on September 20, 2006 which set a two (2) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained prior to the abandonment. Accordingly, a Notice of Abandonment was mailed May 23, 2007.

Receipt of the replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121, and the oath or declaration in compliance with 37 CFR 1.63 is acknowledged.

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

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

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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ALEXANDRIA, VA 22313-1450
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THE BLACK & DECKER CORPORATION
701 EAST JOPPA ROAD, TW199
TOWSON, MD 21286

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APR 03 2008

OFFICE OF PETITIONS

In re Application of
Nigel Robson
Application No. 11/483,031
Filed: July 7, 2006
Attorney Docket No. P-US-CS-1225

ON PETITION

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

The petition is DISMISSED.

It is noted that the petition was intended to be signed by applicant's registered attorney Scott B. Markow, however, the petition is not signed.

37 CFR 1.33(b) states that:

Amendments and other papers filed in the application must be signed by:

- (1) An attorney or agent of record appointed in compliance with §1.34(b);
- (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of §1.34(a);
- (3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;
- (4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undivided part interest;
or
- (5) All of the applicants (§§ 1.42, 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.

Any request for reconsideration 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)" and include a ratification of the unsigned petition. No further petition fee is required.

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

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

Any questions concerning this decision may be directed to the undersigned at (571) 272-3204.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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SEP 30 2008

OFFICE OF PETITIONS

THE BLACK & DECKER CORPORATION
701 EAST JOPPA ROAD, TW199
TOWSON, MD 21286

In re Application of :
Nigel Robson :
Application No. 11/483,031 : **ON PETITION**
Filed: July 7, 2006 :
Attorney Docket No. P-US-CS-1225 :

This is a decision in response to the renewed petition, filed April 28, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

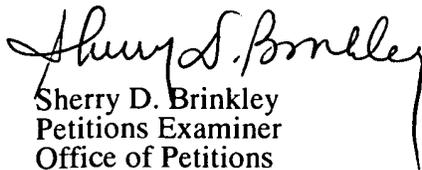
The above-identified application became abandoned for failure to reply in a timely manner to a Notice of Non-Compliant Amendment (37 CFR 1.121), mailed May 4, 2007. This decision precedes the mailing of a Notice of Abandonment. On November 19, 2007, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed April 3, 2008. In response, on April 28, 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 an amendment; (2) the petition fee of \$1,540; and (3) an adequate statement of unintentional delay.

It is noted that the \$1540 petition fee was charged again in response to the renewed petition filed April 28, 2008. Since there is no further petition fee required on a renewed petition under 37 CFR 1.137(b), the \$1540 overpaid is being credited to counsel's deposit account.

The application is being referred to Technology Center AU 3726 for consideration of the response filed April 28, 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



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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MBHB/TRADING TECHNOLOGIES
300 SOUTH WACKER DRIVE
SUITE 3200
CHICAGO, IL 60606

Mail Date: 04/20/2010

Applicant	: Sagy P. Mintz	: DECISION ON REQUEST FOR
Patent Number	: 7577608	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/483,064	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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.



QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

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JAN 18 2008

OFFICE OF PETITIONS

In re Application of :
Kirk S. TAYLOR et al. :
Application No. 11/483,067 : **DECISION ON PETITION**
Filed: July 06, 2006 :
Attorney Docket No. 060094 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 19, 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 July 31, 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 October 03, 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 fee and oath or declaration; (2) the petition fee of \$1,540; 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 July 31, 2006 is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,640 extension of time fee submitted with the petition on October 19, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

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

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

The application is being referred to the Office of Initial Patent Examination.



Michelle R. Eason
Paralegal Specialist
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of)	Date of Notice of
)	Allowance: N/A
Kirk S. Taylor)	
)	Batch No.: Unknown
Serial No.: 11/483,067)	
)	Examiner: Unknown
Filed: July 6, 2006)	
)	Group Art Unit: 3662
For: Method for Disseminating)	
Geolocation Information...)	

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

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

Dear Sir:

A petition for revival of the above-mentioned application is being filed herewith.

I hereby certify that this correspondence is being sent electronically to with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

October 19, 2007

(Date of Deposit)

Barbara Agnihotri

(Name of the Person Making the Deposit)

/Barbara Agnihotri/

(Signature)

Adjustment date: 01/17/2008 CKHLOK
10/22/2007 INTEFSW 00002338 170026 11483067
03/FC:1254 1640.00 CR

The Commissioner is hereby authorized to charge payment of any additional fees which may be required, or credit any overpayment, to said Deposit Account No. 17-0026.

The Commissioner is further hereby authorized to charge to said Deposit Account No. 17-0026, pursuant 37 CFR 1.25(b), any fee whatsoever which may become properly due or payable, as set forth in 37 CFR 1.16 to 37 CFR 1.18 inclusive, for the entire pendency of this application without specific additional authorization.

Respectfully submitted,

Dated October 19, 2007

By: /Linda G. Gunderson/

Linda G. Gunderson, Reg No. 46, 341
Phone No. (858) 651-7351

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 651-7351
Facsimile: (858) 658-2502

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND			
1 Date of Request: <u>1-5-07</u>		2 Serial/Patent # <u>11/483067</u>	
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED
	Filing		\$
	Amendment		\$
<input checked="" type="checkbox"/>	Extension of Time		\$ <u>1,640.00</u>
	Notice of Appeal/Appeal		\$
	Petition		\$
	Issue		\$
	Cert of Correction/Terminal Disc.		\$
	Maintenance		\$
	Assignment		\$
	Other		\$
		7 TOTAL AMOUNT OF REFUND	\$ <u>1,640.00</u>
		8 TO BE REFUNDED BY:	
		Treasury Check	
		<input checked="" type="checkbox"/> Credit Deposit A/C #:	
		9 <u>17--0026</u>	
10 REASON:			
	Overpayment		
	Duplicate Payment		
<input checked="" type="checkbox"/>	No Fee Due (Explanation):		
<u>Case was abandoned, ext. should be filed prior to the expiration period.</u>			
11 REFUND REQUESTED BY:			
TYPED/PRINTED NAME: <u>Michelle Eason</u>		TITLE: <u>Paralegal</u> <u>Petitions Examiner</u>	
SIGNATURE: <u>Michelle Eason</u>		PHONE: _____	
OFFICE: <u>Office of Petitions</u>			
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****			
APPROVED: <u>CKHAK</u>		DATE: <u>1/17/08</u>	

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

**Office of Finance
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Crystal Park One, Room 802B**



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ROEDER & BRODER LLP
5560 CHELSEA AVENUE
LA JOLLA, CA 92037

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JUL 29 2009

OFFICE OF PETITIONS

In re Application of
Shuyu Zhang et al.
Application No. 11/483,072
Filed: July 6, 2006
Attorney Docket No. STL7829

:
:
: DECISION ON PETITION
: TO WITHDRAW
: FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed April 13, 2009.

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

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 25220 application has been revoked by the assignee of the patent application on April 27, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: SEAGATE TECHNOLOGY LLC
INTELLECTUAL PROPERTY DEPT / MAIL STOP NRW-097
7801 COMPUTER AVENUE SOUTH
BLOOMINGTON MN 55435



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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 : Shuyu Zhang : DECISION ON REQUEST FOR
Patent Number : 7643251 : RECALCULATION OF PATENT
Issue Date : 01/05/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/483,072 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/06/2006 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **572** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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PRAXAIR, INC.
LAW DEPARTMENT - M1 557
39 OLD RIDGEBURY ROAD
DANBURY CT 06810-5113

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APR 13 2010

OFFICE OF PETITIONS

In re Application of :
BILLINGHAM, JOHN FREDRIC et al. :
Application No. 11/483,105 : **ON PETITION**
Filed: JULY 10, 2006 :
Attorney Docket No. 21142-D1 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 19, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office Action mailed August 14, 2009, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on November 15, 2009.

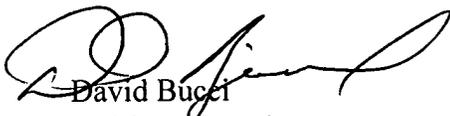
The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee of \$1,620; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office Action of August 14, 2009 is accepted as having been unintentionally delayed.

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

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

Telephone inquiries concerning this decision should be directed to Miranda Le at (571) 272-4112 or in her absence, the undersigned at (571) 272-7099.

The application file is being referred to Technology Center AU 1797 for appropriate action on the concurrently filed amendment.

A handwritten signature in black ink, appearing to read "David Bucel", written over the typed name.

David Bucel
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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HENSLEY KIM & HOLZER, LLC
1660 LINCOLN STREET, SUITE 3000
DENVER CO 80264

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AUG 03 2007

OFFICE OF PETITIONS

In re Application of :
Anthony A. Shaw :
Application No. 11/483,112 : DECISION ON PETITION
Filing or 371(c) Date: 07/07/2006 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 344-003-USP :

This is a decision on the "Petition Pursuant to 37 C.F.R. §1.78(a)(6) to Accept an Unintentionally Delayed Claim Under 35 U.S.C. §119(e) for the Benefit of a Prior-Filed Provisional Application," filed February 5, 2007.

The petition is **GRANTED to the extent indicated herein.**

A petition for acceptance of a claim for late priority 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). In addition, the petition under 37 CFR 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119 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.

All the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 119 and 37

CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

Notification of Applicant's error

Applicant asserts that the office should have notified Applicant of his error, and cites as support for this assertion, Official Gazette Notice of 18 March 2003, wherein it was stated that “[t]he Office plans to notify applicant’s on, or with, the filing receipt that a benefit claim may not have been recognized because it did not include the proper reference.”

Applicant is advised that it is Applicant’s responsibility to file a proper priority claim in the first instance. Applicant may not shift his responsibility to file a proper priority claim in accordance with 37 CFR 1.78 to this Office. While the Office may have planned to notify Applicant’s when a benefit claim may not have been recognized, the failure to notify an Applicant of his mistake does not shift the burden of filing a proper priority claim in the first instance, nor does the mailing of a Filing Receipt more than four months after the filing of the application.

Arbitrary and Capricious treatment of domestic priority claims

Applicant also notes the Eighteen-Month Publication questions and answers section of the American Inventor’s Protection Act (AIPA) homepage, Entries CX9 and CX12, and argues that the difference in the treatment of an incorrectly identified application number in a domestic priority claim from that of an incorrectly identified application number in a foreign priority claim is arbitrary and capricious. Specifically, Applicant notes that entry CX9, which discusses an incorrectly identified application number in a domestic priority claim, requires a petition and surcharge, whereas entry CX12, which discusses an incorrectly identified application number in a foreign priority claim, does not require a petition and surcharge.

Applicant argues that, while the serial number was incorrect in both the ADS and the specification, the Office was provided with the title of the invention and the filing date – adequate information “to provide this Office sufficient time and information to properly schedule the application for publication.” Petition at p.3.

Entries CXP through CX12 are reiterated as follows:

CX9. Applicant filed an application with a claim for the benefit of an earlier copending nonprovisional application, Application No. 05/123,455. The benefit claim was filed within four months from the actual filing date of the application, but referenced an incorrect application number (should have been 06/123,456). If applicant wants to correct the application number after the four month period would a petition under 37 CFR 1.78(a)(3) and the surcharge set forth in 37 CFR 1.17(t) be required? (added 4Feb2005)

Yes, a petition and the surcharge would be required to correctly identify the prior application number because a benefit claim pursuant to 37 CFR 1.78(a)(2) requires identification of the application number and the Office enters the prior application's application number to schedule the application for publication.

CX10. Applicant filed an application with a claim for the benefit of an earlier copending nonprovisional application, Application No. 10/xxx,xxx, filed under 35 U.S.C. 111(a) on February 27, 2002. The benefit claim was filed within four months from the actual filing date of the application, but referenced an incorrect filing date of the prior application (should have been February 28, 2002). If applicant wants to correct the filing date in the benefit claim after the four month period, would a petition under 37 CFR 1.78(a)(3) and the surcharge set forth in 37 CFR 1.17(t) be required? (added 4Feb2005)

No, a petition and the surcharge would not be required because the prior application was correctly identified without the filing date, and since a benefit claim pursuant to 37 CFR 1.78(a)(2) does not require identification of the filing date of an application filed under 35 U.S.C. 111(a).

CX11. Applicant filed an application under 35 U.S.C. 111(a) with a foreign priority claim to an earlier filed Canadian Application No. 2,464,964, filed May 21, 2004. The priority claim was filed within four months from the actual filing date of the application, but referenced an incorrect filing date of the prior application (should have been April 21, 2004). If applicant wants to correct the filing date in the priority claim after the four month period, would a petition under 37 CFR 1.55(c) and the surcharge set forth in 37 CFR 1.17(t) be required? (added 4Feb2005)

Yes, a petition and the surcharge would be required because the filing date was wrong, because a foreign priority claim pursuant to 37 CFR 1.55(a)(1) requires identification of the filing date of the prior application and the Office enters the filing date given to schedule the application for publication.

CX12. Applicant filed an application with a foreign priority claim. The applicant identified the correct filing date, April 21, 2004, of the prior foreign application in the claim, but referenced the incorrect application number of the prior foreign application (should have

been 2,464,964, instead of 2,464,999). If applicant wants to correct the application number in the priority claim after the four month period would a petition under 37 CFR 1.55(e) and the surcharge set forth in 37 CFR 1.17(t) be required? (added 4Feb2005)

No, a petition and the surcharge would not be required because the Office was able to properly schedule the application for publication with the filing date given and the prior art date under 35 U.S.C. 102(e) would not be affected.

Analysis

These sections clearly explain that, in a domestic priority claim, the Office enters the prior application's application number to schedule the application for publication, and that a domestic priority claim pursuant to 37 CFR 1.78(a)(2) does not require identification of the filing date of an application filed under 35 U.S.C. 111(a). Contrariwise, a foreign priority claim requires identification of the filing date of the prior application and the Office enters the filing date given to schedule the application for publication. The result is that, where a foreign priority claim references an incorrect application number, but identified the correct filing date, a petition and the surcharge would not be required because the Office was able to properly schedule the application for publication with the filing date given and the prior art date under 35 U.S.C. 102(e) would not be affected.

Conclusion

The petition is granted to the extent that the petition requests acceptance of an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed provisional application. Applicant's request for waiver of the surcharge is dismissed.

Any inquiries concerning this decision may be directed to Derek Woods at (571) 272-3232. 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 1625 for appropriate action on the amendment filed February 5, 2007, including consideration by the examiner of Applicant's entitlement to claim benefit of priority under 35 U.S.C. § 119 to the prior-filed application.

Christina T. Donnell

Christina T. Donnell
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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JOHN J. OSKOREP, ESQ.
ONE MAGNIFICENT MILE CENTER
980 N. MICHIGAN AVE.
SUITE 1400
CHICAGO, IL 60611

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JUL 12 2007

OFFICE OF PETITIONS

In re Application of :
Gerhard Dietrich Klassen, et al. :
Application No. 11/483,125 : **ON PETITION**
Filed: July 7, 2006 :
Attorney Docket No. 0108-0322/US/2 :

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

The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Missing Parts mailed August 2, 2006. The notice set a two-month period to respond and required an oath or declaration under 37 CFR 1.63 and the requisite surcharge under 37 CFR 1.16(e). This decision precedes the mailing of a Notice of Abandonment. On February 12, 2007, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an executed declaration and the \$130 surcharge; (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay.

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

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE WI 53202

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FEB 09 2007

OFFICE OF PETITIONS

In re Application of :
Allin, et al. : DECISION ACCORDING STATUS
Application No. 11/483,128 : UNDER 37 CFR 1.47(a)
Filed: July 7, 2006 :
Attorney Docket No. 011758-9009-00 :

This is in response to the petition under 37 CFR 1.47(a), filed December 4, 2006.

The petition under 37 CFR 1.47(a) is **GRANTED**.

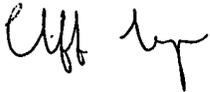
Petitioner has shown that non-signing inventor Flynn has refused to sign the declaration after having been presented with the application papers.

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

Petitioner submitted \$130 for the petition fee. Effective December 8, 2004, the petition fee was increased to \$200. Accordingly, \$80 has been charged to Deposit Account No. 13-3080, as authorized.

The matter is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

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

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions



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MICHAEL L FLYNN
936 MAPLE AVE
DOWNERS GROVE IL 60515-4929

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FEB 09 2007

OFFICE OF PETITIONS

In re Application of :
Patrick J. Allin, Charles C. Cherry, :
William H. Eichhorn, Michael L. Flynn, :
Howard L. Niden, Richard P. Pedersen, :
Jr., Matthew R. Bagley :
Application No. 11/483,128 :
Filed: July 7, 2006 :
Title: Construction Payment Management :
System and Method with Automated :
Electronic Document Generation :
Features :

LETTER

Dear Mr. Flynn:

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

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions



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

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NOV 13 2006

OFFICE OF PETITIONS

In re Application of :
EWING, et al. :
Application No. 11/483,135 :
Filed: July 6, 2006 :
Attorney Docket No. 7273-74484-01 :

**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 October 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 an affidavit and driver's license of inventor Carrel W. Ewing, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2833 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions



ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE CA 92614-2558

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MAR 11 2009

OFFICE OF PETITIONS

In re Application of :
Bruce Hall et al. :
Application No. 11/483,137 : **DECISION ON PETITION**
Filed: July 7, 2006 :
Attorney Docket No. 14959.4003 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 19, 2009, to revive the above-identified application and petition to expedite under 37 CFR 1.182 filed February 24, 2009.

The petition to expedite under 37 CFR 1.182 is **GRANTED**.

As authorized, the \$400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

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

This application became abandoned for failure to timely pay the issue and publication fees on or before January 20, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed October 20, 2008. Accordingly, the date of abandonment of this application is January 21, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

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

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/483,138	07/07/2006	Lorie A. Ellis	379625-029US (105487)	6571
90203	7590	05/26/2010	EXAMINER	
Dechert LLP 2440 W. El Camino Real Suite 700 Mountain View, CA 94040-1499			KIM, JENNIFER M	
			ART UNIT	PAPER NUMBER
			1628	
			NOTIFICATION DATE	DELIVERY MODE
			05/26/2010	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):

naforeignpatentdept@dechert.com
nanette.kosich@dechert.com



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Dechert LLP
2440 W. El Camino Real
Suite 700
Mountain View CA 94040-1499

MAY 26 2010

In re Application of: :
Lorie A. Ellis :
Serial No.: 11/483,138 : PETITION DECISION
Filed: July 17, 2006 :
Attorney Docket No.: 379625-029US :
(105487)

This is in response to the petition under 37 CFR § 1.59(b), filed May 12, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that a particular document, i.e. "Statement Regarding...37 CFR 1.56" submitted to the Patent Office on May 12, 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 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**. 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



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SCHWEGMAN LUNDBERG & WOESSNER PA
PO BOX 2938
MINNEAPOLIS MN 55402

MAILED
AUG 21 2009
OFFICE OF PETITIONS

In re Application of :
Kevin A. Layne :
Application No. 11/483,140 : **ON PETITION**
Filed: July 7, 2006 :
Attorney Docket No. 1148.002US2 :

This is in response to the petition to revive an unintentionally abandoned application under 37 CFR 1.137(b), filed July 16, 2009.

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.137(b)". No further petition fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a proper response to the final Office action mailed November 13, 2008, which set a shortened statutory period for reply of three (3) months. On March 13, 2009, applicant filed a one month extension of time. However, applicant did not file a reply to the final Office action. As such, the application became abandoned on March 14, 2009. The mailing of this decision precedes the mailing of a courtesy Notice of Abandonment.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m); (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) Any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to paragraph (d) of this section.

The instant petition has not satisfied requirement (1). Applicant has not submitted a reply to the November 13, 2008 final Office action. A proper response to a final office action consists of either: (1) an amendment that *prima facie* (i.e. on its face) places the application in condition for allowance; (2) a Notice of Appeal (and the required fee); (3) a Request for Continued Examination (and the required fee), or (4) a continuing application.

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 may be directed to the undersigned at 571-272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions



SCHWEGMAN LUNDBERG & WOESSNER PA
PO BOX 2938
MINNEAPOLIS MN 55402

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SEP 10 2009
OFFICE OF PETITIONS

In re Application of :
Kevin A. Layne : CORRECTED DECISION
Application No. 11/483,140 : ON PETITION
Filed: July 7, 2006 :
Attorney Docket No. 1148.002US2 :

This is in response to the petition to revive an unintentionally abandoned application under 37 CFR 1.137(b), filed July 16, 2009. A decision dismissing the petition was previously mailed on August 21, 2009.

The decision mailed August 21, 2009 is VACATED.

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 November 13, 2008, which set a shortened statutory period for reply of three (3) months. On March 13, 2009, applicant filed a one month extension of time. However, applicant did not file a reply to the final Office action. As such, the application became abandoned on March 14, 2009. Applicant filed a petition to revive under 37 CFR 1.137(b) on July 16, 2009, which was dismissed in a decision mailed on August 21, 2009. The decision explained that applicant had not submitted a reply to the November 13, 2008 final Office action.

However, further review of the petition reveals that applicant did submit a reply in the form of a continuation application, application No. 12/404,091, filed March 13, 2009.

As petitioner has paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of a continuation application, the petition is granted.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above identified application is again abandoned in favor of the continuation application, no. 12/404,091, filed March 13, 2009.

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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IPLM GROUP, P.A.
POST OFFICE BOX 18455
MINNEAPOLIS, MN 55418

Mail Date: 04/21/2010

Applicant : Jeffrey Ivan Peterman : DECISION ON REQUEST FOR
Patent Number : 7581467 : RECALCULATION of PATENT
Issue Date : 09/01/2009 : TERM ADJUSTMENT IN VIEW
Appliction No : 11/483,141 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/07/2006 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **407** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



MCDERMOTT WILL & EMERY LLP
2049-CENTURY PARK EAST
38TH FLOOR
LOS ANGELES, CA 90067-3208

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FEB 04 2008

OFFICE OF PETITIONS

In re Application of	:	
Shumeet Baluja, et al.	:	
Application No. 11/483,171	:	DECISION ON PETITION
Filed: November 7, 2005	:	TO WITHDRAW
Attorney Docket No. 064827-0026	:	FROM RECORD
	:	

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 20, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to McDermott, Will & Emery, LLP has been revoked by the assignee of the patent application on October 11, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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


 April M. Wise
 Petitions Examiner
 Office of Petitions

cc: PHIL ALBERT
TOWNSEND AND TOWNSEND AND CREW, LLP
379 LYTTON AVENUE
PALO ALTO, CA 94301



MICHAEL TOBIAS
1629 K ST. NW, SUITE 300
WASHINGTON DC 20006

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OCT 02 2008

OFFICE OF PETITIONS

In re Application of	:	
Edward TYGARD	:	
Application No. 11/483,188	:	DECISION ON PETITION
Filed: July 10, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1089	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 29, 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 declaration statement signed by the applicant. Accordingly, the above-identified application has been accorded "special" status.

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

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 Technology Center Art Unit 3652 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions



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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 :
Ashrafal et al. :
Application No. 11/483,189 :
Filing or 371(c) Date: 07/10/2006 :
Attorney Docket Number: : **DECISION**
914-217 : **ON PETITION**

This is a decision on the "Petition For Entitled Filing Date", filed August 8, 2006, requesting the above-identified application be accorded a filing date of July 10, 2006.

The petition is granted.

The application was filed on July 10, 2006. On August 2, 2006, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the instant petition and avers that one (1) sheet of drawing was filed in the application on July 10, 2006. In support of this assertion, Applicant files a copy of his return-receipt postcard acknowledging receipt of one (1) sheet of drawings (Fig. 1) by this Office on July 10, 2006.

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

Accordingly, the petition is granted.

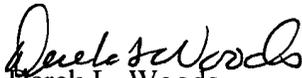
In view of the above, the Notice mailed August 2, 2006, was mailed in error and is hereby withdrawn.

No petition fee has been charged and none is due.

The copy of Fig. 1, filed with the instant petition, will be used for examination purposes.

This application is being forwarded to the Office of Initial Patent Examination, Customer Corrections, for further processing, with the filing date of July 10, 2006, and an indication that Fig. 1 described in the specification was present on July 10, 2006, using Fig.1 filed with the present petition on August 8, 2006.

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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United States Patent and Trademark Office
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DICKSTEIN SHAPIRO LLP
1825 EYE STREET, NW
WASHINGTON, DC 20006

Mail Date: 05/20/2010

Applicant	: Howard E. Rhodes	: DECISION ON REQUEST FOR
Patent Number	: 7622321	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/483,202	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **87** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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P.O. Box 1450
Alexandria, VA 22313-1450
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NOV 05 2009

Thomas M. Freiburger
P.O. Box 1026
Tiburon CA 94920

In re Application of :
Sawits et al. : PETITION
Serial No.: 11/483,234 :
Filed: July 7, 2006 :
Attorney Docket No.: 748P :

This is in response to the petition under 37 CFR § 1.181, filed November 2, 2009, requesting to reset the time for a response in this application.

BACKGROUND

The examiner mailed a non-final Office action of April 24, 2009 rejecting claims 1, 2, 5-12, 14, 16-20 and 24 under 35 USC 103 (a) as being unpatentable over Popp et al. in view of Cherukuri. Claims 7-12, 16 and 18-20 were withdrawn from consideration.

In response to the Office action of April 24, 2009, applicants requested on June 9, 2009 the proper identification of the "Cherukuri" reference which was set forth in the rejection of record.

Due to a lack of response from the examiner regarding the "Cherukuri" reference, applicants filed this petition on November 2, 2009, requesting to reset the time for a response in this application.

DECISION

The petition for resetting the time to respond to the Office action of April 24, 2009 is DISMISSED as moot because the application is abandoned for failure to properly respond to the Office action

Any new or renewed petition must be fled within TWO MONTHS of the mail date of this decision.

Should there be any questions with respect to this action, please contact the examiner or Marianne Seidel, by mail addressed to: Director, Technology Center 1600, P. O. BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at Office general facsimile number, 571-273-8300.



Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600



THOMAS M. FREIBURGER
P.O. BOX 1026
TIBURON, CA 94920

MAILED

MAR 04 2010

OFFICE OF PETITIONS

In re Application of :
Ellie Sawits et al :
Application No. 11/483,234 :
Filed: July 7, 2006 :
Attorney Docket No. 748P :

ON PETITION

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 24, 2009, 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 July 25, 2009.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$65 extension of time submitted on November 2, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be applied toward the petition to revive unintentionally abandoned application fee, which is \$810.

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

This matter is being referred to Technology Center AU 1655 for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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Sadler, Breen, Morasch & Colby, ps
422 W. Riverside Ave, Suite 424
Spokane, WA 99201

Mail Date: 04/20/2010

Applicant	: Peter W. Lee	: DECISION ON REQUEST FOR
Patent Number	: 7636252	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/483,241	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **511** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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Stolowitz Ford Cowger LLP
621 SW Morrison St
Suite 600
Portland, OR 97205

Mail Date: 04/21/2010

Applicant	: Lawrence Alder	: DECISION ON REQUEST FOR
Patent Number	: 7653423	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/483,259	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **481** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.:20081201

DATE : December 01, 2008

TO SPE OF : ART UNIT 2826

SUBJECT : Request for Certificate of Correction on Patent No.: 7,423,282

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 A PURVIS/
Supervisory Patent Examiner.Art Unit 2826



LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

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JAN 23 2007

OFFICE OF PETITIONS

In re Application :
Tulkis, et al. :
Application No. 11/483,313 :
Filed: July 7, 2006 :
Attorney Docket No. OSTEONICS 3.0-544 :
For: ACETABULAR CUP AUGMENT SYSTEM :

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed August 14, 2006 (certificate of mailing date August 8, 2006), to change the order of inventors.

The petition is **DISMISSED AS MOOT**.

The first declaration filed in this application was filed with the present petition and lists the order of inventors as:

Peter Tulkis
Ryan James Laurent
David A. McQueen

Petitioners are reminded that the order of names of joint patentees in the heading of the patent is taken from the order in which the typewritten names appear in the original oath or declaration. MPEP 605.04(f).

Therefore, the order of names is correct and the petition is dismissed as moot. The \$400.00 petition fee will be credited to deposit account no. 12-1095.

It is noted that petitioners have filed a new ADS that lists the joint inventors in the proper order.

After the mailing of this decision, the application file will be forwarded to Technology Center A.U. 3738 for examination in due course.

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



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



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

Mail Date: 04/21/2010

Applicant	: Joshua F. West	: DECISION ON REQUEST FOR
Patent Number	: 7591063	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/483,322	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **206** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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JAN 17 2007

CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD CT 06002

In re Application of :
Jie Du et al :
Serial No.: 11/483,332 : PETITION TO MAKE SPECIAL
Filed: August 24, 2006 :
Attorney Docket No.: MPC-0060-C3 :

This is in response to applicants' petition filed July 7, 2006, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII. Therefor the petition is **GRANTED**.

The following condition applies to the grant of this petition: If, upon examination, it is determined that a restriction requirement is necessary because of multiple inventions being claimed, applicant will be required to make an election without traverse of a single invention to be prosecuted. Failure to make an election without traverse will void the special status accorded in this decision.

The application will be forwarded the examiner for action on the merits commensurate with this decision.

Should there be any questions with regard to this letter please contact 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 at the general Office facsimile number, 571-273-8300.


William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600



UNITED STATES PATENT and TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

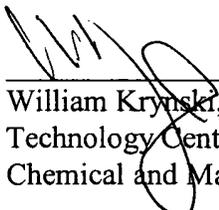
OCT 13 2006

In re Application of	:	AP
Fernandez et al.	:	DECISION
Serial No. 11/483,335	:	ON
Filed: July 7, 2006	:	PETITION
For: VERTICAL AND HORIZONTAL OVEN	:	UNDER 708.02,VIII

This is in response to the petition filed July 7, 2006, requesting that the above-identified application be granted Special Status. The petition has been considered under Section 708.02 (VIII) of the MPEP and 37 CFR 1.102(c) (fee paid).

The petition has been found to be deficient for the following reason: Section 708.02, VIII(C) requires that a pre-examination search be made; this search should cover all areas searchable by the examiner. However, our review shows that additional areas should have been searched.

Accordingly, the petition is **DENIED**.



William Krynski, Special Program Examiner
Technology Center 1700
Chemical and Materials Engineering



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AGENSYS C/O MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

MAILED

JUN 12 2009

OFFICE OF PETITIONS

In re Application of :
Jakobovits et al. :
Application No. 11/483,354 : DECISION ON PETITION
Filed: July 7, 2006 :
Attorney Docket No. 511582006401 :

This is a decision on the petition, filed October 3, 2008, 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 respond to the Notice to Comply with Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures of July 31, 2006, which set a two (2) month shortened statutory period for reply. Accordingly, a reply was due on or before September 30, 2006. A Notice of Abandonment was mailed on September 10, 2008.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on October 2, 2006 of, *inter alia*, Specification Sequence Listing 1 CD (1 CD + duplicate), Sequence Listing in CRF format (1 CD) and statement to support filing and submission (2 pages). A copy of the previously submitted reply accompanies the petition.

MPEP 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 USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the Sequence Listing CDs and statement were timely received in the USPTO.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received with petition.

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

A handwritten signature in black ink, appearing to read "Charlema Grant". The signature is fluid and cursive, with a long horizontal stroke at the end.

Charlema Grant
Petitions Attorney
Office of Petitions



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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

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JUL 31 2007

In re Application of :
Marie-Francois Klucker :
Francois Dalencon :
Patricia Probeck-Quelleg : DECISION ON PETITION
Application No. 11/483,358 :
Filed: July 7, 2006 :
Attorney Docket No. 05-667-B :

OFFICE OF PETITIONS

This is a decision on the petition under 37 CFR 1.182, filed January 5, 2007, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

This application is currently before Technology Center AU 1617 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
11/483,358	07/07/2006	1617	1480	05-667-B	27	2

CONFIRMATION NO. 9152

CORRECTED FILING RECEIPT



OC000000025103359

20306
 MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
 300 S. WACKER DRIVE
 32ND FLOOR
 CHICAGO, IL 60606

Date Mailed: 07/31/2007

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

Applicant(s)

Marie-Francoise Klucker, Caluire et Cuire, FRANCE;
 Francois Dalencon, Lyon, FRANCE;
 Patricia Probeck-Quelleg, Lyon, FRANCE;

Assignment For Published Patent Application

Sanofi Pasteur, Lyon, FRANCE

Power of Attorney: The patent practitioners associated with Customer Number 020306.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/706,707 08/09/2005
 and claims benefit of 60/713,274 09/01/2005

Foreign Applications

FRANCE 05 07240 07/07/2005
 FRANCE 05 08310 08/04/2005

If Required, Foreign Filing License Granted: 08/02/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/483,358**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Immuno-adjuvant emulsion

Preliminary Class

424

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

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

NOT GRANTED

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



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DENNIS F. UTTLEY
PO BOX 10565
LLOYDMINSTER T9V3A-6 CA CANADA

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JUL 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Dennis F. UTTLEY	:	
Application No. 11/483,360	:	DECISION ON PETITION
Filed: July 10, 2006	:	UNDER 37 CFR 1.137(b)
Attorney Docket No.	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 12, 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 Notice to File Corrected Application Papers, mailed May 27, 2008. 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 28, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the supplemental specification; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Patent Application Processing for further processing commensurate with this decision.

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

Brian W. Brown
Petitions Examiner
Office of Petitions



SCHIFF HARDIN, LLP
PATENT DEPARTMENT
6600 SEARS TOWER
CHICAGO IL 60606-6473

MAILED

MAR 24 2009

In re Application of
Heinrich Jurgensen
Application No. 11/483,367
Filed: July 6, 2006
Attorney Docket No. P01,0032-05

: OFFICE OF PETITIONS
:
: DECISION GRANTING PETITION
: UNDER 37 CFR 1.78(a)(3)
:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 18, 2009, 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 concurrently with the instant 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.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified by 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the

instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

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 the instant application is entitled to the benefit of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 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 instant application is entitled to the benefit of the earlier filing date.

Petitioner claims that the instant petition is not necessary as a reference to the prior-filed application was present upon filing. The "Utility Patent Application Transmittal" petitioner submitted as Exhibit 1 does reference Application No. 10/909,670 upon filing. However, there was no reference to Application No. 09/786,742. Therefore, both the petition and the petition fee are necessary in order to claim priority back to Application No. 09/786,742. Petitioner's deposit account will be charged the petition fee of \$1,410.00 as authorized.

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

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

This matter is being referred to Technology Center Art Unit 3726 for appropriate action on the amendment filed February 18, 2009, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/483,367, 07/06/2006, 3726, 1650, P01,0032-05, 10, 4

CONFIRMATION NO. 7198

CORRECTED FILING RECEIPT



26574
SCHIFF HARDIN, LLP
PATENT DEPARTMENT
6600 SEARS TOWER
CHICAGO, IL 60606-6473

Date Mailed: 03/20/2009

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)

Heinrich Jurgensen, Raisdorf, GERMANY;

Assignment For Published Patent Application

Hell Gravure Systems GmbH

Power of Attorney: The patent practitioners associated with Customer Number 26574

Domestic Priority data as claimed by applicant

This application is a DIV of 10/909,670 07/30/2004 ABN
which is a CON of 09/786,742 09/14/2001 PAT 6,888,853
which is a 371 of PCT/DE99/02721 09/01/1999

Foreign Applications

If Required, Foreign Filing License Granted: 08/03/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/483,367

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

PRINTING FORM PROCESSING WITH FINE AND COARSE ENGRAVING TOOL PROCESSING TRACKS

Preliminary Class

409

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

Mail Date: 04/20/2010

Applicant	: Stanislaw J. Kozera	: DECISION ON REQUEST FOR
Patent Number	: 7594458	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/483,392	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **555** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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HARNESS, DICKEY, & PIERCE, P.L.C
7700 Bonhomme, Suite 400
ST. LOUIS, MO 63105

Mail Date: 04/21/2010

Applicant : Francis M. Creighton IV : DECISION ON REQUEST FOR
Patent Number : 7603905 : RECALCULATION of PATENT
Issue Date : 10/20/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/483,397 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/07/2006 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **668** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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Lipsitz & McAllister, LLC
755 MAIN STREET
MONROE, CT 06468

Mail Date: 04/20/2010

Applicant	: Wolfgang Gentner	: DECISION ON REQUEST FOR
Patent Number	: 7604249	: RECALCULATION OF PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/483,404	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **424** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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CAMPBELL NELSON WHIPPS, LLC
HISTORIC HAMM BUILDING
408 SAINT PETER STREET, SUITE 240
ST. PAUL, MN 55102

Mail Date: 04/21/2010

Applicant : Mourad Benakli : DECISION ON REQUEST FOR
Patent Number : 7573683 : RECALCULATION of PATENT
Issue Date : 08/11/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/483,408 : OF WYETH
Filed : 07/06/2006 :
:
:

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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CAMPBELL NELSON WHIPPS, LLC
HISTORIC HAMM BUILDING
408 SAINT PETER STREET, SUITE 240
ST. PAUL, MN 55102

Mail Date: 05/18/2010

Applicant : Mourad Benakli : NOTICE CONCERNING IMPROPER
Patent Number : 7573683 : DISMISSAL OF THE REQUEST
Issue Date : 08/11/2009 : FOR RECALCULATION OF
Application No : 11/483,408 : PATENT TERM ADJUSTMENT
Filed : 07/06/2006 : IN VIEW OF WYETH

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO mistakenly dismissed a small number of requests as ineligible. The dismissals involve requests that were filed on February 9-12, 2010, for patents that were granted on August 11, 2009. Any request that was filed on February 8, 2010 was properly deemed eligible for patent term adjustment (PTA) and was recalculated.

Patents meeting the above criteria were eligible because the USPTO was closed February 8-11, 2010, due to a snowstorm. See Closing of the United States Patent and Trademark Office from Monday February 8, 2010, through Thursday, February 11, 2010, 1352 *Off. Gaz. Pat. Office* 146 (March 16, 2010). The Office considered each day from Monday, February 8, 2010, through Thursday, February 11, 2010, to be a "Federal holiday within the District of Columbia" under 35 U.S.C. § 21(b) and 37 CFR 1.6, 1.7, 1.9, 2.2(d), 2.195 and 2.196. Any actions that were due from Monday, February 8, 2010, through Thursday, February 11, 2010, (or the preceding Saturday (February 6, 2010) or Sunday (February 7, 2010)) will be considered timely if the action was taken on the next succeeding business day on which the USPTO was open, which was February 12, 2010.

This notice **VACATES** the previous mailed decision in the patented file that deemed patentee ineligible for the request for recalculation. Patentee's request for recalculation is GRANTED.

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

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** 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).



SLATER & MATSIL LLP
17950 PRESTON ROAD
SUITE 1000
DALLAS, TX 75252

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MAY 21 2007

OFFICE OF PETITIONS

In re Application of	:	
Lin	:	
Application No. 11/483,412	:	Decision Refusing to Accord
Filed: July 6, 2006	:	Status Under 37 CFR 1.47(b)
Attorney Docket No. 2003 P 54172 US	:	
For: Method for Packaging Integrated	:	
Circuit Dies	:	

This is in response to the petition under 37 CFR 1.47(b), filed January 3, 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. No further petition fee is required for the request. 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 current non-signing inventor(s). **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(b) 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) an acceptable oath or declaration;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor;
- (5) proof of proprietary interest; and
- (6) proof of irreparable damage.

Applicant lacks item (2) set forth above. As stated in MPEP 409.03(b),

The 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.64 or 1.175. 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 U.S. 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 § 324.... 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).

Since the declaration is not signed by the 37 CFR 1.47(b) applicant, the petition cannot be granted.

A request for reconsideration and a proper declaration should be submitted.

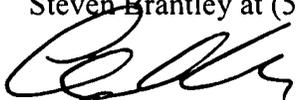
Further correspondence with respect to this matter should be addressed as follows:

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
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

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



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

DATE: 8-9-07

APPLICATION NUMBER: 11/483,412

DOC CODE: M327

DOC DATE: _____

**DELIVER THE ATTACHED FILE/DOCUMENT TO THE TC
SCANNING CENTER**

**CONTRACTOR: THE ATTACHED FILE/DOCUMENT MUST BE
INDEXED AND SCANNED INTO IFW WITHIN 8 WORK HOURS;
UPLOADING OF THE SCANNED IMAGES SHOULD OCCUR NO
LATER THAN 16 WORK HOURS
FOLLOWING RECEIPT OF THIS REQUEST**

**AFTER SCANNING, ORIGINAL DOCUMENTS SHOULD BE BOXED IN
ACCORDANCE WITH INSTRUCTIONS**



SLATER & MATSIL LLP
17950 PRESTON ROAD
SUITE 1000
DALLAS, TX 75252

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AUG 13 2007

OFFICE OF PETITIONS

In re Application of	:	
Lin	:	
Application No. 11/483,412	:	Decision According Status
Filed: July 6, 2006	:	Under 37 CFR 1.47(b)
Attorney Docket No. 2003 P 54172 US	:	
For: Method for Packaging Integrated	:	
Circuit Dies	:	

This is in response to the petition under 37 CFR 1.47(b), filed July 17, 2007.

The petition is **granted**.

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

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

The Office of Initial Patent Examination will be informed of the instant decision so that it may continue to prepare the application for examination.

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


Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



Lin Tiang Hock
Bock 142
Marsilling Road #08-2098
730142 Singapore
REP. OF SINGAPORE

COPY MAILED

AUG 13 2007

OFFICE OF PETITIONS

In re Application of	:	
Lin	:	
Application No. 11/483,412	:	
Filed: July 6, 2006	:	Letter
Attorney Docket No. 2003 P 54172 US	:	
For: Method for Packaging Integrated	:	
Circuit Dies	:	

Mr. Lin Tiang Hock

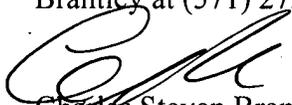
You are named as the inventor in the above identified United States patent application.

Should a patent be granted on the application you will be designated as the inventor.

As a named inventor you, or a registered patent attorney or agent on your behalf, have the right to obtain copies of any papers in the file wrapper. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

General requests for information regarding the application should be directed to the File Information Unit at (703) 308-2733.

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



Charles Steven Brantley
Petitions Attorney
Office of Petitions

cc: SLATER & MATSIL LLP
17950 PRESTON ROAD
SUITE 1000
DALLAS, TX 75252



**BULLIVANT HOUSER BAILEY PC
1415L STREET
SUITE 1000
SACRAMENTO CA 95814**

MAILED

MAY 18 2010

OFFICE OF PETITIONS

In re Application of
Michelle E. DESCHRYVER
Application No. 11/483,468
Filed: July 8, 2006
Attorney Docket No. 30499/00001

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:
:
:
:
:
:

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 11, 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 37 CFR 10.40(c).

The request was signed by Carl J. Schwedier on behalf of the attorneys of record associated with Customer No. 70130.

The attorneys of record associated with Customer No. 70130 have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

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

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: MICHELLE E. DESCHRYVER
2230 SUNSET BLVD. SUITE 330-124
ROCKLIN, CA 95765



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
11/483,468	07/08/2006	Michelle E. DeSchryver	30499/00001

70130
BULLIVANT HOUSER BAILEY PC
1415 L STREET
SUITE 1000
SACRAMENTO, CA 95814

CONFIRMATION NO. 7106
POWER OF ATTORNEY NOTICE



Date Mailed: 05/12/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/11/2010.

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

/dcgoodwyn/

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



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LOWRIE, LANDO & ANASTASI, LLP
ONE MAIN STREET, SUITE 1100
CAMBRIDGE MA 02142

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SEP 18 2008

OFFICE OF PETITIONS

In re Application of :
Richard willshere et al : DECISION REFUSING STATUS
Application No. 11/483,493 : UNDER 37 CFR 1.47(a)
Filed: July 10, 2006 :
Attorney Docket No. M2010-730519 :

This is in response to the petition under 37 CFR 1.47(a), filed February 19, 2008.

The petition is dismissed.

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

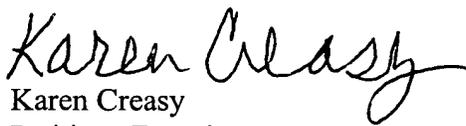
A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with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

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). There is no indication herein that joint inventor Richard Willshere was presented with a copy of the complete application papers for this application. From the evidence of record, it only appears that the joint inventor was presented with a copy of the declaration for the above application. If the joint inventor was not presented with a copy of the application papers for this application, then the joint inventor could not attest

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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LOWRIE, LANDO & ANASTASI, LLP
ONE MAIN STREET, SUITE 1100
CAMBRIDGE MA 02142

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OCT 17 2008

OFFICE OF PETITIONS

In re Application of :
Richard Willshere et al : DECISION GRANTING STATUS
Application No. 11/483,493 : UNDER 37 CFR 1.183
Filed: July 10, 2006 :
Attorney Docket No. M2010-730519 :

This is a supplemental decision on the petition under 37 CFR 1.47(a) filed February 19, 2008, which is being treated as a petition under 37 CFR 1.183 seeking waiver of 37 CFR §§ 1.67 and 1.63 where they require that a supplemental declaration be executed by the named inventors.¹

The petition is **granted**.

In view of the efforts recounted in the petition to obtain the signature of Richard Willshere, it is agreed that justice would be served by waiving the requirement for his signature on the supplemental declaration filed February 19, 2008.

The aforementioned supplemental declaration has been accepted, on petition, and placed in the file.

This application is being referred to Technology Center AU 2854 to consider the Petition under 37 CFR 1.48 submitted on February 19, 2008.

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

Karen Creasy
Petitions Examiner
Office of Petitions

¹ Once an application containing a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather, the remedy for treating an inventor's refusal to also sign a supplemental oath or declaration is waiver of 37 CFR 1.67. See MPEP 603.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 03/05/10

TO SPE OF : ART UNIT 2189

SUBJECT : Request for Certificate of Correction for Appl. No.: 11483499 Patent No.: 7620768

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

**Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580**

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

Lamonte Newsome

Certificates of Correction Branch

703-756-1574

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments: _____

/Reginald G. Bragdon/

SPE

2189

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION



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LEFFERT JAY & POLGLAZE, P.A.
P.O. BOX 581009
MINNEAPOLIS, MN 55458-1009

Mail Date: 06/11/2010

Applicant : Scott N. Gatzemeier : DECISION ON REQUEST FOR
Patent Number : 7620768 : RECALCULATION of PATENT
Issue Date : 11/17/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/483,499 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/10/2006 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **600** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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SEP 30 2008

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

In re Patent No. 7,416,916

Issue Date: August 26, 2008

Application No. 11/483,519

Filed: July 11, 2006

Attorney Docket No. 0649-1321PUS1

ON PETITION

This is a decision on the 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 Certificate of Correction. The request was filed September 17, 2008.

The request is **granted**.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3222. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

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


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

¹ See *Official Gazette* of June 22, 2004.



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KRATZ, QUINTOS & HANSON, LLP
1420 K STREET, N.W.
SUITE 400
WASHINGTON DC 20005

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APR 22 2008

OFFICE OF PETITIONS

In re Application of :
Tomoyuki Abe et al :
Application No. 11/483,527 : DECISION GRANTING PETITION
Filed: July 11, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 060523 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 21, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

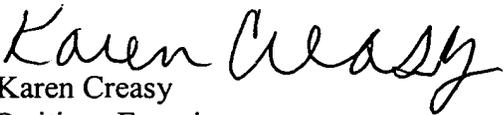
The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 14, 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 2822 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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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

Mail Date: 04/20/2010

Applicant	: Yasunori Kawate	: DECISION ON REQUEST FOR
Patent Number	: 7601539	: RECALCULATION OF PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/483,560	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/11/2006	: 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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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/483,599 07/11/2006 Stephane Mallegol 293507US2 9223

7590 03/13/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

BULLOCK JR, LEWIS ALEXANDER

ART UNIT PAPER NUMBER

2193

NOTIFICATION DATE DELIVERY MODE

03/13/2009

ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Handwritten signature of Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 03/12/2009 BPOWELL
07/12/2006 FFANAEIA 00000038 11483599
02 FC:1111 -500.00 OP
04 FC:1203 -360.00 OP

Adjustment date: 03/12/2009 BPOWELL
07/12/2006 FFANAEIA 00000038 11483599
02 FC:1111 -500.00 OP
04 FC:1203 -360.00 OP

Refund Ref:
83/12/2009

0030067609

Credit Card Refund Total: \$860.00

Am Exp.: XXXXXXXXXXXX1009



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/483,645 07/11/2006 Yoshihiro Yoshikawa Q95887 9493

7590 10/19/2009
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

DHINGRA, PAWANDEEP

ART UNIT PAPER NUMBER

2625

MAIL DATE DELIVERY MODE

10/19/2009

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.

Handwritten signature: Nimi Farmer

Patent Publication Branch
Office of Data Management

Reply Ref: 10/19/2009 NFAJER 0315193260
Date: 94930 Name/Number: 11483645
FC: 9204 6780.00 CR

Adjustment date: 10/19/2009 NFAJER
07/12/2006 ZJUHAR1 00000015 11483645
02 FC:1111 -500.00 OP
04 FC:1201 -200.00 OP



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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/483,663	07/11/2006	Dong-jin Seol	101-1320

STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON DC 20006

DATE MAILED: May 4, 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 3, 2007, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

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

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

Barbara J. Debram
Pre-Grant Publication Division



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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 05/19/2010

Applicant : Magnus Oddsson : DECISION ON REQUEST FOR
Patent Number : 7618463 : RECALCULATION of PATENT
Issue Date : 11/17/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/483,676 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/11/2006 : ISSUE CERTIFICATE OF CORRECTION
:

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

The patent term adjustment has been determined to be **646** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



MELVIN K. SILVERMAN AND ASSOCS PC
500 WEST CYPRESS CREEK ROAD
SUITE 350
FT. LAUDERDALE, FL 33309

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FEB 15 2008

In re Application of	:	
GIAMPAPA, Vincent C.	:	
Application No. 11/483,688	:	DECISION ON PETITION
Filed: July 10, 2006	:	TO WITHDRAW
Attorney Docket No. 425.119.1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 02, 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 the undersigned at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: SURACELL, INC.
41 WATCHUNG PLAZA, #316
MONTCLAIR, NJ 07042



MELVIN K. SILVERMAN AND ASSOCS PC
500 WEST CYPRESS CREEK ROAD
SUITE 350
FT. LAUDERDALE, FL 33309

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MAR 14 2008

In re Application of

GIAMPAPA, Vincent C.

Application No. 11/483,688

Filed: July 10, 2006

Attorney Docket No. 425.119.1

OFFICE OF PETITIONS

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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

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

There are no outstanding office actions at this time.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: VINCENT GIAMPAPA
12 ROBINWOOD DRIVE
LITTLE FALLS, NJ 07424

cc: SURACELL, INC.
41 WATCHUNG PLAZA, #316
MONTCLAIR, NJ 07042



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

COPY MAILED

FEB 04 2008

OFFICE OF PETITIONS

In re Application of	:	
Eric M. Lunt, et al.	:	
Application No. 11/483,690	:	DECISION ON PETITION
Filed: July 10, 2006	:	TO WITHDRAW
Attorney Docket No. FEED-003/00US/306183-2006	:	FROM RECORD

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 27, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Cooley Godward Kronish, LLP has been revoked by the assignee of the patent application on October 11, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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


 April M. Wise
 Petitions Examiner
 Office of Petitions

cc: MARK KIRKLAND, ESQ.
FISH & RICHARDSON, PC
500 ARGUELLO STREET
SUITE 500
REDWOOD CITY, CA 94063

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20070614

DATE : June 14, 2007

TO SPE OF : ART UNIT 2852

SUBJECT : Request for Certificate of Correction on Patent No.: 7167659

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

Please complete this form and return with file, within 7 days to:

Certificates of Correction Branch - PK 3-910

Palm location 7590 - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

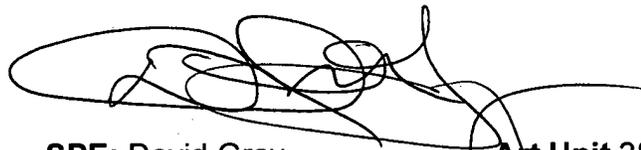
Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments:

The CoC is approved except for the change to column 1, line 6. Serial number 10/938,720 is correct although it is incorrectly listed as 10/938,750 on the application data sheet filed 7/11/06.



SPE: David Gray

Art Unit 2852



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/483,726	07/11/2006	Young Im Ju	0008.1019	8189

7590 02/18/2009
STEIN, MCEWEN & BUI, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON, DC 20005

EXAMINER

TAPIA, CESAR A

ART UNIT	PAPER NUMBER
2627	

MAIL DATE	DELIVERY MODE
02/18/2009	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.

Mimi Farmer
Patent/Publication Branch
Office of Data Management

Refund Ref: 02/19/2009 0030066838

Adjustment date: 02/19/2009 NFARMER
07/12/2006 STEUMEL1 00000052 11483726
02 FC:1111 -500.00 OP

Credit Card Refund Total: \$500.00

Am Exp.: XXXXXXXXXXXX1001



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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

MAILED

FEB 11 2009

OFFICE OF PETITIONS

Applicant: Baudot et al.

Appl. No.: 11/483,742

Filing Date: July 11, 2006

Title: METHOD FOR ELIMINATING THE CARBONYL SULFIDE CONTAINED IN A
LIQUID HYDROCARBON STREAM

Attorney Docket: 612.46371X00

Pub. No.: US 2007/0039854 A1

Pub. Date: February 22, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 16, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in that the wrong specification, claims and abstract were published in the image version of the publication, but that the text version of the publication included the correct specification, claims and abstract.

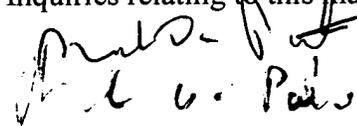
37 CFR 1.221 (b) is applicable “only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** 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 16, 2009, was not timely filed under 37 CFR 1.221(b).

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Due to the nature of the errors in this publication, the office will *sua sponte* publish a corrected patent application publication. The corrected patent application publication will be published in due course, unless the application is allowed and the patent is issued before the application is republished.

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



OBLON, SPIVAK, MCCLELLAND, MAIER
& NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

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MAR 19 2007

OFFICE OF PETITIONS

In re Application of :
Hiroaki Nakamura et al :
Application No. 11/483,743 : **ON PETITION**
Filed: July 11, 2006 :
Attorney Docket No. 292349US-2RD :

This is a decision on the petition, filed March 19, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 26, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2627 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

Robert E. Bushnell
Suite 300
1522 K Street, N.W.
Washington DC 20005

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FEB 16 2007

OFFICE OF PETITIONS

In re Application of :
Si-Hyoung Lee et al. :
Application No. 11/483,774 : DECISION ON PETITION
Filed: July 11, 2006 : UNDER 37 C.F.R. §1.181(A)
Attorney Docket No.: P57778 :
Title: USER INTERFACE METHOD, :
SYSTEM, AND DEVICE IN :
MULTITASKING ENVIRONMENT :

This is a decision on the petition filed on August 21, 2006, pursuant to 37 C.F.R. §1.181, requesting the withdrawal of a Notice to File Corrected Application Papers as well as the deletion of this notice from the prosecution history.

On August 3, 2006, the Office of Initial Patent Examination (OIPE) mailed a Notice to File Corrected Application Papers, indicating that replacement drawings would be required. The notice set a shortened statutory period for reply of two months. On August 21, 2006, the present petition was submitted, including two requests.

The request to withdraw the notice:

On January 31, 2007, OIPE mailed a communication, withdrawing the notice of August 3, 2006. As such, the request to withdraw the notice of August 3, 2006 is **DISMISSED AS MOOT**.

The request to delete the notice from the prosecution history:

The Office will not delete communications which have been withdrawn from the prosecution history. The request is therefore **DISMISSED**.

The Office of Initial Patent Examination (OIPE) will be notified of this decision so that the application may receive further processing.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225¹. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

¹ Petitioner's representative 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's representative is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner's representative.



DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
PO BOX 5052
TROY, MI 48007

COPY MAILED

OCT 07 2008

In re Application of Scheel et al. : **OFFICE OF PETITIONS**
Application No. 11/483,788 : **DECISION ON PETITION**
Filing Date: July 11, 2006 : **UNDER 37 CFR 1.78(a)(3)**
Attorney Docket No. DP-315125 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed June 25, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon.

Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, 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 application.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Values: 11/483,788, 07/10/2006, 2831, 1130, DP-315125, 7, 2

CONFIRMATION NO. 7411

CORRECTED FILING RECEIPT



22851
DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
PO BOX 5052
TROY, MI 48007

Date Mailed: 10/01/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Mark A. Scheel, Canfield, OH;
Edward L. Monroe, Cortland, OH;
Raman V. Chiruvella, Decatur, GA;

Power of Attorney: The patent practitioners associated with Customer Number 22851

Domestic Priority data as claimed by applicant

This application is a CIP of 11/473,648 06/23/2006 PAT 7,408,116

Foreign Applications

If Required, Foreign Filing License Granted: 08/02/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/483,788

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Non-halogenated heavy metal free vehicular cable insulation and harness covering material

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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SHERRILL LAW OFFICES
4756 BANNING AVE
SUITE 212
WHITE BEAR LAKE, MN 55110-3205

Mail Date: 04/20/2010

Applicant	: Thomas P. Zarembinski	: DECISION ON REQUEST FOR
Patent Number	: 7631814	: RECALCULATION OF PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/483,812	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **256** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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.
11/483,814	07/10/2006	Hua Quen Tserng	127968.00004	8478
7590	02/04/2009			
Joseph Pugh TriQuint Semiconductor, Inc. 2300 NE Brookwood Parkway Hillsboro, OR 97124			EXAMINER KINKEAD, ARNOLD M	
			ART UNIT	PAPER NUMBER
			2817	
			MAIL DATE	DELIVERY MODE
			02/04/2009	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.



Joseph Pugh
TriQuint Semiconductor, Inc.
2300 NE Brookwood Parkway
Hillsboro, OR 97124

In re Application of:
TSERNG *et al.*
Serial No.: 11/483,814
Filed: July 10, 2006
Attorney Docket No.: **127968.00004**

SUA SPONTE
DECISION WITHDRAWING HOLDING OF
ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

The application was held abandoned for failure to timely file the Office action mailed on July 02, 2008. A Notice of Abandonment was mailed on January 07, 2009.

A review of the written record indicates that a proper response to the Office action was previously filed on January 08, 2009, with a three (3) month extension of time and a certificate of mailing dated January 02, 2009, but not processed in the application file prior to the mailing of the Notice of Abandonment. Since the response was timely filed, the abandonment of the application was premature. Therefore, the application was not abandoned in fact.

For the above stated reason, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the examiner for consideration of the response.

Inquiries related to this decision should be directed to Clayton E. LaBalle at (571) 272-1594.



John W. Cabeca, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components



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Commissioner for Patents
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COOK, ALEX, MCFARRON, MANZO, CUMMINGS & MEHLER LTD
SUITE 2850
200 WEST ADAMS STREET
CHICAGO IL 60606

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NOV 16 2006

OFFICE OF PETITIONS

In re Application of :
Poola, et al. :
Application No. 11/483,818 : **ON PETITION**
Filed: July 10, 2006 :
Attorney Docket No. 0372-0065.06 :
For: HYBRID FUEL INJECTION SYSTEM :

This is a decision on the petition under 37 CFR 1.53(e), filed October 9, 2006, requesting withdrawal of the Notice of Incomplete Nonprovisional Application, mailed August 7, 2006 and that the above-identified application be accorded a filing date of July 10, 2006.

The petition is **granted**.

The application was deposited on July 10, 2006. On August 7, 2006, the Office of Initial Patent Examination mailed a Notice informing petitioners that no filing date had been accorded to the application papers deposited on July 10, 2006 because no specification, including at least one claim, was present, as is required by 35 U.S.C. 112 and no drawings were present, as is required by 35 U.S.C. 113. The Notice required submission of an executed declaration, as well.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that the above-identified application be accorded a filing date of July 10, 2006 on the basis that a specification, including several claims, and drawing figures were received in the Patent and Trademark Office (PTO) on July 10, 2006. In support, the petition is accompanied by a copy of applicants' itemized-postcard-receipt showing an Office of Initial Patent Examination generated barcode citing July 10, 2006 as the date of receipt. The postcard lists, *inter alia*, that the filing included 9 pages of specification, 4 pages of claims, 1 page of abstract, 3 drawing sheets and a copy of the declaration/oath from prior application no. 10. 218,716.

The return postcard constitutes *prima facie* evidence that the items listed thereon were filed on July 10, 2006. MPEP 503. Accordingly, the request is granted.

Pursuant to petitioners' authorization, deposit account no. 50-1039 will be refunded the \$400.00 petition fee.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **July 10, 2006**, using the copy of the 9 pages of specification, 4 pages of claims, 1 page of abstract, and 3 sheets of formal drawings submitted with the instant petition. Receipt of an executed declaration is acknowledged.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



JGJR.: 02-07

Paper No: __

PATTERSON & SHERIDAN, LLP
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON TX 77056

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MAR 02 2007

OFFICE OF PETITIONS

In re Application of :
Yim, et al. :
Application No. 11/483,842 :
Filed: 7 July, 2006 :
Attorney Docket No. APPM/010219/DSM/LOW :
K/JP :

ON PETITION

This is a decision on the petitions filed on 2 and 24 October, 2006, under 37 C.F.R. §1.47(a).

For the reasons set forth below, the petition under 37 C.F.R. §1.47(a) is **DISMISSED**.

BACKGROUND

The record indicates:

- the instant application was filed on 7 July, 2006, without, *inter alia*, a fully executed oath/declaration;
- on 2 August, 2006, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;
- on 2 October, 2006, Petitioner Keith M. Tackett (Reg. No. 32,008) filed, *inter alia*, the original petition, an oath/declaration signed by Messrs. Yim, Chan, Rajagopalan, Lio, Zheng, Yi, Nguyen and Demos (for themselves and on behalf of) but without that of non-signing inventor Sang H. Ahn (Mr. Ahn) and the averment that the entire application (description, claims, abstract and drawings) as required by statute and regulation, had been transmitted to Mr. Ahn, and that he had failed to sign, and further setting forth the

current/reasonably believed last known address of Mr. Ahn, however, on 24 October, 2006, Petitioner supplemented his petition with the averment that Mr. Ahn had joined in the signing of the oath/declaration, and submitted a copy thereof.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

In view of the joinder of the inventors, further consideration under Rule 1.47(a) is not necessary and the petition is considered to be moot. This application does not have any Rule 1.47 status

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

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]

and no such status should appear on the file wrapper. This application need not be returned to this Office for any further consideration under Rule 1.47(a).

CONCLUSION

For the foregoing reasons, the instant petition is **dismissed as moot for joinder.**

This application is being released to OIPE for further processing as necessary before being returned to substantive examination in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2¹⁰) 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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P.O. Box 1450
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VINSON & ELKINS, LLP
1001 FANNIN STREET
2300 FIRST CITY TOWER
HOUSTON, TX 77002-6760

COPY MAILED

FEB 21 2008

In re Application of : **OFFICE OF PETITIONS**
JI, et al. :
Application No. 11/483,855 : **DECISION ON PETITION**
Filed: July 10, 2006 : **TO WITHDRAW**
Attorney Docket No. IVGN 354.2 CON : **FROM RECORD**
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 15, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to **VINSON & ELKINS, LLP** has been revoked by the assignee of the patent application on November 8, 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: **INVITROGEN CORPORATION**
C/O INTELLEVATE
P.O. BOX 52050
MINNEAPOLIS, MN 55402



UNITED STATES PATENT AND TRADEMARK OFFICE

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GIBSON & DERNIER LLP
900 ROUTE 9 NORTH
SUITE 504
WOODBRIIDGE, NJ 07095

MAILED

MAR 29 2010

In re Application of
Michael P. Joyce et al
Application No. 11/483,886
Filed: July 10, 2006
Attorney Docket No. 499/5x2

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 2, 2009.

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.

There is an outstanding Office action mailed March 12, 2010 that requires a reply from the applicant.

All future correspondence will be directed to assignee Quad III, LLC 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: Quad III, LLC
801 West Shore Drive
Kinnelon, NJ 07405



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/483,886	07/10/2006	Michael P. Joyce	499/5x2

CONFIRMATION NO. 8111

POWER OF ATTORNEY NOTICE



27538
GIBSON & DERNIER LLP
900 ROUTE 9 NORTH
SUITE 504
WOODBIDGE, NJ 07095

Date Mailed: 03/29/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/02/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/483,886	07/10/2006	Michael P. Joyce	499/5x2

QUAD III, LLC
801 WEST SHORE DRIVE
KINNELON, NJ 07405

CONFIRMATION NO. 8111
POA ACCEPTANCE LETTER



Date Mailed: 03/29/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/02/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/i dingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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GREER, BURNS & CRAIN
300 S WACKER DR.
25TH FLOOR
CHICAGO, IL 60606

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JAN 11 2010

OFFICE OF PETITIONS

In re Patent No. 7,541,230 :
Issue Date: June 2, 2009 :
Application No. 11/483,897 : ON PETITION
Filed: July 10, 2006 :
Attorney Docket No. 4319.73108D1 :

This is a decision on the petition filed August 21, 2009, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Petitioner requests that "Japan Laser Corporation" be added as an additional assignee to the issued patent, because Assignee "Japan Laser Corporation" was inadvertently omitted from 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 all assignees on the front page of the Letters Patent in the patent to be issued from the application.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed after issuance of this application into a patent.

Telephone inquiries concerning this decision may be directed to Diane C. Goodwyn at (571) 272-6735. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.



for Thurman K. Page
Petitions Examiner
Office of Petitions



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HAHN LOESER / LINCOLN
ONE GOJO PLAZA
SUITE 300
AKRON, OH 44311-1076

Mail Date: 04/20/2010

Applicant	: Russell K. Myers	: DECISION ON REQUEST FOR
Patent Number	: 7573002	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/483,899	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **2** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



Date Mailed: September 12, 2007

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

Applicant: Boback et al.
Appl. No.: 11/483,900
Filing Date: July 10, 2006
Title: TAMPER-RESISTANT CONTAINER WITH TAMPER-EVIDENT FEATURE AND
METHOD OF FORMING THE SAME
Attorney Docket No.: 59566CIP2(49780)
Pub. No.: US 2006/0289541 A1
Pub. Date: December 28, 2006

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on May 7, 2007, 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 follow-on “Document”, 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.

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 Patent Publication, Pre-Grant Publication Division, 703-605-4283.



Tammy J. Koontz
Program & Management Analyst
Pre-Grant Publication Division
Office of Patent Publication

Adjustment date: 09/12/2007 KKing1
05/08/2007 SLUANG1 00000017 041105 11483900
02 FC:1505 300.00 CR



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TRASK BRITT, P.C./ MICRON TECHNOLOGY
P.O. BOX 2550
SALT LAKE CITY, UT 84110

Mail Date: 05/20/2010

Applicant : Michael W. Morrison : DECISION ON REQUEST FOR
Patent Number : 7663224 : RECALCULATION of PATENT
Issue Date : 02/16/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/483,905 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/10/2006 : 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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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/483,929	07/10/2006	Gurtej S. Sandhu	2269-4295.4US (99-0728.04

TRASK BRITT, P.C./ MICRON TECHNOLOGY
P.O. BOX 2550
SALT LAKE CITY UT 84110

DATE MAILED: September 20, 2007

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d) filed August 16, 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



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UNITED STATES DEPARTMENT OF COMMERCE
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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

Mail Date: 04/21/2010

Applicant : Brian J. Gillespie : DECISION ON REQUEST FOR
Patent Number : 7665659 : RECALCULATION of PATENT
Issue Date : 02/23/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/483,936 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/10/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **651** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 Dove Patent Services, Inc.
324 Raintree Drive
Coppell, TX 75019

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AUG 15 2007

OFFICE OF PETITIONS

In re Application of
Robert Andrew Gillis et al.
Application No. 11/483,937
Filed: July 10, 2006
Attorney Docket No. GPA-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).

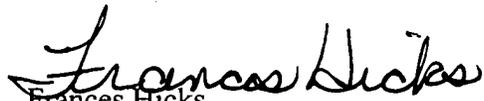
The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, “[a] practitioner shall not withdraw from employment 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 reason set forth in the request, “... Barry Dove now works as an in-house counsel for STMicroelectronics ...,” 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.

There are no pending Office actions at this time.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272- 4618.


Frances Hicks
Petitions Examiner
Office of Petitions

cc: Andrew Gillis and Dallas Powell
2502 JMT Industrial Drive, Suite 101
Apopka, FL 32703

cc: Robert Andrew Gillis
324 W. William Avenue
Apopka, FL 32712



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ANDREW GILLIS AND DALLAS POWELL
2502 JMT INDUSTRIAL DRIVE, SUITE 101
APOPKA FL 32703

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JUL 13 2009

OFFICE OF PETITIONS

In re Application of :
Andrew Gillis, Dallas Powell :
Application No. 11/483,937 : ON PETITION
Filed: July 10, 2006 :
Title: Self-Drilling Anchor Screw :
and Method of Using the Same :

This is a decision on the petition under 37 CFR 1.137(b), filed June 9, 2009, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required on renewed petition. This is **not** a final agency decision within the meaning of 5 USC 704.

The instant petition and "Election Response" are not signed by both of the applicants (inventors), and therefore does not comply with 37 CFR 1.33(b). Accordingly, the petition will not be considered on the merits until such time as petitioner submits a petition and response signed by both of the applicants.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$1175 extension of time fee submitted with the petition on June 9, 2009 was subsequent to the maximum period obtainable for reply (May 3, 2009), this fee will be refunded to petitioner's credit card.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571)273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions



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BARRY DOVE
591 PARKWOOD LANE
COPPELL TX 75019

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OCT 23 2009

OFFICE OF PETITIONS

In re Application of :
Andrew Gillis, Dallas Powell :
Application No. 11/483,937 : ON PETITION
Filed: July 10, 2006 :
Title: Self-Drilling Anchor Screw :
and Method of Using the Same :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed August 10, 2009, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required on renewed petition. This is **not** a final agency decision within the meaning of 5 USC 704.

The above-identified application became abandoned for failure to timely file a reply to the non-final Office action mailed November 3, 2008. This Office action set a shortened statutory period for reply of one (1) month. No reply having been received, the application became abandoned on December 4, 2008. The Office mailed a Notice of Abandonment on May 27, 2009. Applicant filed a petition to revive under 37 CFR 1.137(b) on June 9, 2009. However, the petition was dismissed in a decision mailed on July 13, 2009. The decision explained that the petition was not considered on the merits because it was not signed by both of the inventors.

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).

The instant petition does not satisfy requirement (1) above.

Here, the Election submitted with the petition is contained on the same page as the petition, and as such, does not comply with 37 CFR 1.4(c). Accordingly, on renewed petition, petitioner must submit the Election on a separate paper.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571)273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions



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NOV 25 2009

OFFICE OF PETITIONS

BARRY DOVE
591 PARKWOOD LANE
COPPELL TX 75019

In re Application of :
Andrew Gillis, Dallas Powell :
Application No. 11/483,937 : ON PETITION
Filed: July 10, 2006 :
Title: Self-Drilling Anchor Screw :
and Method of Using the Same :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 30, 2009, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply to the non-final Office action mailed November 3, 2008. This Office action set a shortened statutory period for reply of one (1) month. No reply having been received, the application became abandoned on December 4, 2008. The Office mailed a Notice of Abandonment on May 27, 2009. Applicant filed a petition to revive under 37 CFR 1.137(b) on June 9, 2009. However, the petition was dismissed in a decision mailed on July 13, 2009. The decision explained that the petition was not considered on the merits because it was not signed by both of the inventors. Applicants filed a renewed petition under 37 CFR 1.137(b) on August 10, 2009. However, this petition was dismissed in a decision mailed on October 23, 2009. The petition was dismissed because the Election was not submitted on a separate paper - rather, it was contained on the same page as the petition.

With the instant renewed petition, applicants have submitted an Election commencing on a separate page. The other requirements for a grantable petition have been previously satisfied.

The application is being forwarded to Group Art Unit 3677 for consideration of the Election, filed October 30, 2009.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions



PATTERSON & SHERIDAN, LLP
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON TX 77056

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NOV 21 2006

OFFICE OF PETITIONS

In re Application of	:	
Soo et al.	:	
Application No. 11/483,951	:	DECISION REFUSING STATUS
Filed: July 7, 2006	:	UNDER 37 CFR 1.47(a)
Attorney Docket No.	:	
010190/DSM/BCVD/JPFEIFER	:	
Title: Method For Plasma Processing	:	

This is in response to the petition filed October 4, 2006, under 37 CFR. §1.47(a).

The petition under 37 CFR. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR. §1.136(a).

The above-identified application was filed on July 7, 2006, without a fully executed oath or declaration. Accordingly, on August 2, 2006, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring for the purposes of this decision an executed oath or declaration in compliance with §1.63, and a surcharge for its late filing. This Notice set an extendable two-month period for reply of October 2, 2005.

In reply, applicant filed a petition, the surcharge for late filing of the declaration, and a partially executed declaration. To make the reply timely, a one (1) month extension of time was also submitted.

A grantable petition under 37 CFR. §1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an



PATTERSON & SHERIDAN, LLP
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON TX 77056

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OFFICE OF PETITIONS

In re Application of
Soo et al.
Application No. 11/483,951
Filed: July 7, 2006
Attorney Docket No.
010190/DSM/BCVD/JPFEIFER
Title: Method For Plasma Processing

:
:
: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)
:
:
:

This is in response to the renewed petition under 37 CFR 1.47(a), filed December 28, 2006.

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 **Dismissed As 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).

The address on the petition differs from the correspondence address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition. However, the Office will mail all future correspondence solely to the address of record.

This application will be 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) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema R. Grant". The signature is fluid and cursive, with the first name being the most prominent.

Charlema R. Grant
Petitions Attorney
Office of Petitions

cc: Patterson and Sheridan, L.L.P.
595 Shrewsbury Ave., Suite 100
Shrewsbury, NJ 07702



Paper No.

KIRTON AND MCCONKIE
60 EAST SOUTH TEMPLE,
SUITE 1800
SALT LAKE CITY UT 84111

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of :
Jason Sullivan : DECISION ON PETITION
Application No. 11/483,956 :
Filed: July 10, 2006 :
Attorney Docket No. 11072.49 :

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT filed October 6, 2008.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper reply to the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION mailed August 2, 2006. This Notice set a two (2) month time limit for reply, with extensions of time obtainable under §1.136(a). A reply was timely filed on October 2, 2006. However, by Notice of Abandonment mailed September 17, 2008¹, two years later, applicants were advised that the reply received was not sufficient as it did not include the full amount of the search and examination fees required under 37 CFR 1.16(k)-(r).

In response, the instant petition was filed, requesting withdrawal of the holding of abandonment. Petitioner argues, in pertinent part, that the response filed October 2, 2006 included the search and examination fees by way of a general

¹ A prior Notice of Abandonment mailed September 10, 2008 was withdrawn and replaced with this Notice.

authorization to charge any required fees to their Deposit Account.

Petitioner's argument has been considered, and found persuasive that withdrawal of the holding of abandonment is warranted. A review of the response as timely received in the Office on October 2, 2006, confirms that the response did include the general authorization to charge any required fees. This authorization was proper to charge the search and examination fees. This authorization was signed by the same attorney who signed the specific authorization for the statutory basic filing fee and surcharge that were, in fact, charged. As such, it can be concluded that there was no problem with authority to authorize this charge. Furthermore, there is no indication in the record that any attempt was made to charge the search and examination fees to the Deposit Account. There is no evidence that the fee was determined to be insufficient due to the Deposit Account having insufficient funds. The evidence supports a conclusion that the general authorization was overlooked by the Office.

In view thereof, the Notice of Abandonment mailed September 17, 2008 and the holding of abandonment are hereby **WITHDRAWN**.

No fee is required on petition under § 1.181.

The Office of Patent Application Processing has been advised of this decision. The application is, thereby, forwarded to the Office of Patent Application Processing's technical support staff to withdraw the holding of abandonment and to process the fees required by the Notice to File Missing Parts of Application mailed August 2, 2006. It is again noted that the response timely filed October 2, 2006 included an authorization to charge any required fees to Deposit Account No. 50-0843.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions



**BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ
INTELLECTUAL PROPERTY DEPARTMENT
MONARCH PLAZA, SUITE 1600
3414 PEACHTREE RD.
ATLANTA GA 30326**

MAILED

JUL 09 2009

OFFICE OF PETITIONS

In re Application of	:	
David J. Jamison	:	DECISION ON PETITION
Application No. 11/483,957	:	TO WITHDRAW
Filed: July 10, 2006	:	FROM RECORD
Attorney Docket No. 2832127-000001	:	

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 27, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Peter L. Brewer on behalf of all attorneys of record.

All attorneys/agents associated with the above-identified application 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 at the address indicated below.

Additionally, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Currently, there is an outstanding Office action mailed May 8, 2009 that requires a reply.

Telephone inquires concerning this decision should be directed to Petitions Examiner Joan Olszewski at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: David J. Jamison
c/o Thomas N. McAdams, Esquire
4823 Old Kingston Pike, Suite 300
Knoxville, TN 37919

cc: Peter L. Brewer
265 Brookview Centre Way, Suite 600
Knoxville, TN 37919



**SCHWEGMAN, LUNDBERG
& WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402**

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OFFICE OF PETITIONS

In re Application of	:	
Gajendra Prasad SINGH, et al	:	
Application No. 11/483,958	:	DECISION ON PETITION
Filed: July 10, 2006	:	TO WITHDRAW
Attorney Docket No. 2090.001US1	:	FROM RECORD
	:	

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 26, 2008.

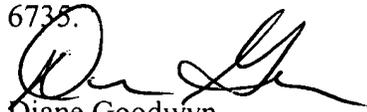
The request is **NOT APPROVED**.

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 all of the acts noted above have been performed.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.



Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: MR. GAJENDRA SINGH,
NOCUMA SYSTEMS
844 LOUIS DRIVE
SUNNYVALE, CA 94087



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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SPRINT
6391 SPRINT PARKWAY
KSOPHT0101-Z2100
OVERLAND PARK, KS 66251-2100

Mail Date: 04/21/2010

Applicant	: Roy L. Spitzer	: DECISION ON REQUEST FOR
Patent Number	: 7623866	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/484,001	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.



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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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO, IL 60606-6357

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OFFICE OF PETITIONS

In re Application of

Jedediah M. FELLER

Application No. 11/484,002

Filed: July 10, 2006

Attorney Docket No. **30840/41243A**

DECISION ON PETITION TO
WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 30, 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 Thomas K. Stine on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the sole named signing inventor Jedediah Feller at the address below until otherwise properly notified by the applicant.

There is an outstanding non-final Office action mailed February 23, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **JEDEDIAH FELLER**
2871 NORTH TENAYA WAY
LAS VEGAS, NEVADA 89128-0452

Attachment: Power Of Attorney/Revocation/New Power with Address Change USPTO (PTO/SB/81)



SHUMAKER & SIEFFERT, P. A.
8425 SEASONS PARKWAY
SUITE 105
ST. PAUL MN 55125

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FEB 15 2007

OFFICE OF PETITIONS

In re Application of
Kenji Hosaka et al.
Application No. 11/484,023
Filed: July 10, 2006
Attorney Docket No. 1085-057US01

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 3, 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 firm*, 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: **Young & Basile**
3001 West Big Beaver Road
Suite 624
Troy, MI 48084



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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APR 29 2009

NADA JAIN, P.C.
560 White Plains Road, Suite 460
Tarrytown NY 10591

In re Application of :
Romanczyk Jr. et al. : Decision on Petition
Serial No.:11/484,048 :
Filed : 11 July 2006 :
Attorney Docket No.: 1010/0101US21 :

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on 16 January 2009 to request reconsideration of the restriction requirement mailed 16 November 2007. The petition requests rejoinder and examination of claims 209-254. Claim 249 has been cancelled.

Typically petitions are decided prior to the mailing of a next Office action on the merits. In this instance, an Office action on the merits has been mailed on 13 February 2009 in which the examiner reconsidered the restriction requirement. In that Office action, claims 209-248 and 250-254, directed to therapeutic or prophylactic treatment of pain and/or fever, were rejoined and examined on the merits.

Applicant has not petitioned for rejoinder of Claims 255-258, directed to improving irregular heartbeat, reproductive function, or sequestering metal ions. These claims remain withdrawn from consideration as being directed to the non-elected inventions.

Accordingly, the petition is **GRANTED**.

Applicants remain under obligation to timely respond to the Office action mailed on 13 February 2009, within the extensions of time allowed by the provisions of 37 CFR 1.136(a).

Should there be any questions regarding this decision, please Quality Assurance Specialist Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 571-273-8300.

Remy Yucel
Director, Technology Center 1600



SYNAPTICS C/O WAGNER BLECHER LLP
123 WESTRIDGE DRIVE
WATSONVILLE, CA 95076

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JUN 02 2008

OFFICE OF PETITIONS

In re Application of	:	
Yi-Hsun E. Cheng et al	:	
Application No. 11/484,051	:	DECISION GRANTING
Filed: July 10, 2006	:	PETITION
Attorney Docket No. SYNA-20030923-01	:	

This is a decision on the petition, filed July 20, 2007, requesting that the above-identified application be accorded a filing date of July 10, 2006, rather than the presently accorded date of July 6, 2006. The petition is properly treated as a petition under 37 CFR 1.10(d).

Applicant requests the later filing date on the basis that the application was deposited with Express Mail Service on July 10, 2006 pursuant to 37 CFR 1.10. While the copy of the Express Mail label receipt no. EV 860511958 US bears a handwritten "date-in" of July 6, 2006 and the U.S. Postal Service (USPS) date stamp of July 10, 2006, petitioner has provided a copy of the USPS postal sales receipt dated July 10, 2006. Further, in an independent search of the USPS Express Mail Track and Confirm record for the Express Mail package in question, it was found that the package was accepted at the San Jose, CA, USPS at 3:01 pm on July 10, 2006.

Applicants are alleging that the handwritten date of mailing shown on the Express Mail label is a USPS error and the correct date of mailing pursuant to 37 CFR 1.10 is July 10, 2006. The above-noted Express Mail number appears on the originally filed application papers of this file.

In view of the evidence submitted, this application is entitled to a filing date of July 10, 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 Patent Application Processing for correction of the filing date to July 10, 2006 and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed Irvin Dingle at (571) 272-3210. Telephone inquiries related to the application processing should be directed (571) 272-4000.



David Bucci
Petition Examiner
Office of Petitions



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Paper No.

SAWYER LAW GROUP LLP
P O BOX 51418
PALO ALTO CA 94303

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JAN 18 2007

OFFICE OF PETITIONS

In re Application of :
Kazuhiko Matsumoto : DECISION ON PETITION
Application No. 11/484,059 :
Filed: July 10, 2006 :
Atty Docket No. P1S2005216US :
/3905P :

This is a decision on the PETITION TO ACCORDING A FILING DATE PURSUANT TO 37 CFR 1.53(e), filed October 25, 2006. Petitioner requests that the Office accord the above-identified application a filing date of July 10, 2006.

Application papers in the above-identified application were deposited on July 10, 2006. However, on August 3, 2006, the Initial Patent Examination Division mailed applicant a NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION. Applicant was thereby notified that the application papers had not been accorded a filing date because the application was filed without drawings.

In response, applicant timely filed the instant petition. In support of a conclusion that the application as filed on July 10, 2006, included drawings, applicant points to and submits a copy of their itemized and date-stamped return postcard. Applicant also submits a copy of the drawings as filed.

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 July 10, 2006, and the items filed therewith were assigned Application No. 11/484,059; 2) it specifically identifies the items being filed, including "13 Sheets of Drawings" and 3) it lacks any annotation of non-

receipt of any item denoted on the postcard. Thus, petitioners have shown that the items denoted, including 13 sheets of drawings, were filed on July 10, 2006.

It is concluded that the application-as-filed included drawings and is entitled to a filing date.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee is being refunded. The Office of Finance will process the refund.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for:

- **Correction of the filing date to July 10, 2006** using the application papers received in the Office and presently accorded that date; and the 13 sheets of drawings re-supplied on petition filed October 25, 2006; and
- For indication in Office records, as appropriate, that 13 sheets of drawings were present in the application on filing.

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



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COMMISSIONER FOR PATENTS
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P.O. BOX 1450
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Paper No. None

STOEL RIVES LLP - SLC
201 SOUTH MAIN STREET
ONE UTAH CENTER
SALT LAKE CITY UT 84111

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OFFICE OF PETITIONS

In re Application of :
Troy J. Orr :
Application No. 11/484,061 : DECISION ON PETITION UNDER
Filed: July 11, 2006 : 37 C.F.R. §1.182
Attorney Docket No.: 61189/7 :
Title: DOUBLE DIAPHRAGM PUMP :
AND RELATED METHODS :

This is a decision on the petition filed August 9, 2006, requesting that the above-identified application, including Figures two and three-a, be accorded a filing date of July 11, 2006 as part of the original disclosure.

The application was deposited on July 11, 2006. However, on August 4, 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 of July 11, 2006, and that it appeared that the application had been deposited without Figures two and three-a. The notice set a two-month period for reply.

In response, on August 9, 2006, applicants filed the present petition. The petition is further accompanied by copies of Figures two and three-a, along with a copy of applicants' postcard receipt acknowledging receipt of "Formal Drawing Sheets - sixteen (16)" in the United States Patent and Trademark Office (Office) on July 11, 2006. Applicants request that Figures two and three-a be accorded a filing date of July 11, 2006.

Upon review of the electronic file, fourteen sheets of drawings have been located, containing Figures one and three-b through ten-d. Figures two and three-a have not been located in the electronic file. However, the evidence is convincing that the application papers deposited on July 11, 2006 included sixteen sheets of drawings, with the second and third sheets containing Figures two and three-a, and these two sheets were subsequently misplaced in the Office.

Therefore, the application, including Figures two and three-a, was complete on filing and these two sheets were entitled to a filing date of July 11, 2006 as part of the original disclosure.

Accordingly, the petition under 37 C.F.R. §1.182 is **GRANTED**.

The notice was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary, and the petition fee will be refunded to Petitioner's Deposit Account in due course.

OIPE will be advised to process the application with a filing date of July 11, 2006, using the original application papers filed on that date, as well as Figures two and three-a submitted on August 9, 2006, and for noting in Office records that the sheets containing Figures two and three-a were present on filing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office



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WEIDE & MILLER LTD
7251 W LAKE MEAD BLVD
SUITE 530
LAS VEGAS NV 89128

MAILED

FEB 18 2010

OFFICE OF PETITIONS

In re Application of :
DaCosta, et al. :
Application No. 11/484,062 : ON PETITION
Filed: July 11, 2006 :
Attorney Docket No. NUNES.0003P :

This is in response to the "PETITION UNDER 37 C.F.R. 1.182 TO CORRECT ORDER OF LISTED INVENTORS", filed December 15, 2009.

The petition is **GRANTED**.

Office records have been changed to reflect the change in the inventors' names.

The application is being forwarded to Group Art Unit 3781.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions



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JAMES RICHARDS
58 BONING RD
FAYETTEVILLE TN 37334

COPY MAILED

OCT 13 2006

OFFICE OF PETITIONS

In re Application of	:	
Robert Lovett	:	
Application No. 11/484,081	:	DECISION ON PETITION
Filed: July 11, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 060009	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 11, 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**.

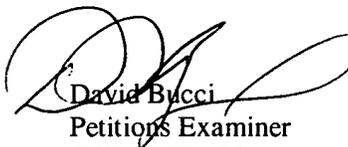
A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a signed Statement 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 2876 for action on the merits commensurate with this decision.



David Bucci
Petitions Examiner
Office of Petitions



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TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

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NOV 26 2007

OFFICE OF PETITIONS

In re Application of
Michael S. Kay, et al.
Application No. 11/484,101
Filed: July 11, 2006
Attorney Docket No. 0274-7353.1US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed July 19, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Allen C. Turner on behalf of all attorneys of record who are associated with this application.

All attorneys/agents associated with this application have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

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: MICHAEL S. KAY
1565 SUNNYDALE LANE
SALT LAKE CITY, UT 84108

cc: NEEDLE & ROSENBERG
999 PEACHTREE STREET
SUITE 1000
ATLANTA, GA 30309



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/484,101	07/11/2006	Michael S. Kay	0274-7353.1US

CONFIRMATION NO. 8624

POWER OF ATTORNEY NOTICE

24247
TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110



Date Mailed: 11/19/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/19/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199



KENDYL A ROMAN
730 BANTRY COURT
SUNNYVALE CA 94087

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DEC 17 2008

OFFICE OF PETITIONS

In re Application of
John Livacich et al.
Application No. 11/484,106
Filed: July 10, 2006
Attorney Docket No. **POLE1**

:
:
:
:
:

ON PETITION

This is a decision on the correspondence filed July 1, 2008, which is being treated as a petition under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

In response to a non-Final Office Action mailed June 5, 2007, an amendment was filed December 5, 2007 with a three month extension of time. In response thereof, a Notice of Non-Compliant Amendment(37 CFR 1.121) was mailed January 3, 2008 setting a one month period for reply. This application became abandoned February 5, 2008 for failure to file a timely response to the Notice of Non-Compliant Amendment(37 CFR 1.121) mailed January 3, 2008. Accordingly, a Notice of Abandonment was mailed June 24, 2008.

Petitioner claims that the Notice of Non-Compliant Amendment mailed January 3, 2008 was never received. Petitioners argue that the Notice of Non-Compliant Amendment was mailed to an incorrect address.

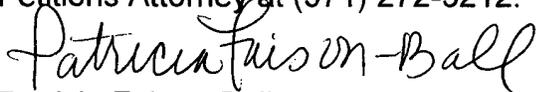
The file record discloses that the Notice of Non-Compliant Amendment(37 CFR 1.121) was mailed to what was believed to be the address of record. However, petitioner contends that it was not received. While petitioner does not provide any evidence of non-receipt, a review of the record reveals that the address of record does not match the address used by the petitioner in all correspondences filed with USPTO regarding this application, including the original transmittal and the Declaration submitted on filing. It appears, however, that the USPTO inadvertently entered the address for this application as BARTEY instead of BANTRY and even though in spite of an incorrect address having been used, all previous correspondences mailed by the USPTO were received by the petitioner. Nonetheless, as a result, the Notice of Non-Compliant Amendment(37 CFR 1.121) was sent to an incorrect address.

In view of the facts set forth in the petition and a review of the file record, it is concluded that due to an error on the part of the USPTO, the the Notice of Non-Compliant

Amendment(37 CFR 1.121) was sent to the wrong address and that it was therefore never received by the proper party of record.

The Notice of Abandonment is withdrawn and this matter is being referred to Technology Center 3636 for appropriate treatment of the amendment filed July 1, 2008 with the instant petition and in response to the the Notice of Non-Compliant Amendment(37 CFR 1.121) mailed January 3, 2008.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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**KENDYL A ROMAN
730 BANTRY COURT
SUNNYVALE CA 94087**

**COPY MAILED
FEB 04 2010**

In re Application of :
Livacich et al. :
Application No. 11/484,106 : **ON PETITION**
Filed: July 10, 2006 :
Attorney Docket No. POLE1 :

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.

It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. While, a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

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.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.


Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Christopher A. Holland
Suite 3100, Promenade II
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309-3592



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Benjamin S. Withrow
CONCERT TECHNOLOGY AND WITHROW & TERRANOVA P.L.L.C
100 Regency Forest Drive
Suite 160
Cary, NC 27518

MAILED

JUN 28 2007

TECHNOLOGY CENTER 2100

In re Application of:
Hugh SVENDSEN, et al.
Application No. 11/484,130
Filed: July 11, 2006
For: P2P NETWORK FOR PROVIDING
REAL TIME MEDIA
RECOMMENDATIONS

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a decision on the petition to make special under 37 C.F.R. §102(d) and M.P.E.P. §708.02(VIII): Accelerated Examination, filed on August 9, 2006.

The petition is **Granted**.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

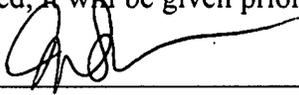
A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

- (a) Submits a petition to make special accompanied by the fee set forth in 37 CFR § 1.17(h);
- (b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
- (c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;
- (d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR §§ 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

Petition to Make Special is hereby **GRANTED** because all the requirements for special status under MPEP § 708.02(VIII) have been met.

The application file is being forwarded to the Examiner for accelerated examination in accordance with M.P.E.P. §708.02, Section VIII. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. §1309 .



Tod Swann
Technology Center 2100
Computer Architecture, Software, and
Information Security
571-272-3612



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EXXONMOBIL CHEMICAL COMPANY
5200 BAYWAY DRIVE
P.O. BOX 2149
BAYTOWN, TX 77522-2149

Mail Date: 05/10/2010

Applicant	: Oansuk Chung	: DECISION ON REQUEST FOR
Patent Number	: 7625980	: RECALCULATION OF PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/484,156	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **487** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL (AMD)
P.O. BOX 398
AUSTIN, TX 78767-0398

Mail Date: 04/20/2010

Applicant : Siegfried Kay Hesse : DECISION ON REQUEST FOR
Patent Number : 7653845 : RECALCULATION of PATENT
Issue Date : 01/26/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/484,157 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/11/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **616** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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JONES DAY
500 Grant Street, Suite 3100
Pittsburgh, PA 15219-2502

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MAY 05 2010

In re Application of	:	OFFICE OF PETITIONS
Feng (Dan) Lin	:	
Application No. 11/484,163	:	DECISION ON PETITION
Filed: July 11, 2006	:	TO WITHDRAW
Attorney Docket No. PAT001099-001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 16, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Jones Day has been revoked by the assignee of the patent application on April 19, 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
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **LENER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP**
600 South Avenue West
Westfield, NJ 07090



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MORGAN, LEWIS & BOCKIUS, LLP. (PA)
2 PALO ALTO SQUARE
3000 EL CAMINO REAL, SUITE 700
PALO ALTO, CA 94306

Mail Date: 04/21/2010

Applicant	: Antonio M. Monteiro	: DECISION ON REQUEST FOR
Patent Number	: 7600120	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/484,166	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **715** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 04/20/2010

Applicant : Ikuo Okamoto : DECISION ON REQUEST FOR
Patent Number : 7604078 : RECALCULATION of PATENT
Issue Date : 10/20/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/484,172 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/10/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **635** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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EXXONMOBIL CHEMICAL COMPANY
5200 BAYWAY DRIVE
P.O. BOX 2149
BAYTOWN, TX 77522-2149

Mail Date: 05/10/2010

Applicant : Ronald Dean Garton : DECISION ON REQUEST FOR
Patent Number : 7666366 : RECALCULATION of PATENT
Issue Date : 02/23/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/484,178 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/10/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **787** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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MORGAN, LEWIS & BOCKIUS, LLP
ONE MARKET SPEAR STREET TOWER
SAN FRANCISCO CA 94105

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MAR 30 2007

OFFICE OF PETITIONS

In re Application of :
Barbosa, Chamberlain, and : DECISION ACCORDING STATUS
Desjarlais : UNDER 37 CFR 1.47(a)
Application No. 11/484,183 :
Filed: 10 July, 2006 :
Atty Docket No. 67461-5033US05 :

This is in response to the petition under 37 CFR 1.47(a), filed on 16 January, 2007.

Petitioners have shown that the non-signing inventor, Maria D. Barbosa, has refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, the petitioners have established, via the statement of registered patent attorney Robin M. Silva, that a copy of the above-identified application was sent to the non-signing inventor inventor at her residence. The non-signing inventor returned a letter, however, stating that she would not review the application and sign the declaration unless she received compensation for doing so. The non-signing inventor has failed to sign the declaration naming her as a joint inventor along with Aaron K. Chamberlain and John R. Desjarlais.

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 Application Data Sheet. Notice of the filing of this application will also be published in the Official Gazette.

The revocation and power of attorney submitted with the present petition cannot accepted because has been signed on behalf of an assignee, but is not accompanied by the required statement under 37 CFR 3.73(b). As such, a renewed revocation and power of attorney complying with the provisions of 37 CFR 3.73(b) must be

submitted. The enclosed statement under 37 CFR 3.73(b) should be completed and returned along with a new power of attorney.

Receipt of the change of correspondence address is acknowledged.¹

The application will be referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Statement Under 37 CFR 3.73(b)

¹ 37 CFR 1.33(a)(1) states, in part, that any patent practitioner named in the transmittal papers accompanying the original application, or a party that will be the assignee who filed the application may change the correspondence address in that application under this paragraph. Since the change of correspondence address is signed by registered attorney Robin M. Silva, who is named in the original application transmittal letter, the change of correspondence address may be entered.



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Commissioner for Patents
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Maria D. Barbosa
148 Citrus Ranch Road
San Dimas CA 91773

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MAR 30 2007

OFFICE OF PETITIONS

In re Application of
Barbosa et al.
Application No. 11/484,183
Filed: 10 July, 2006
For: OPTIMIZED PROTEINS THAT TARGET EP-CAM

Dear Mr. Barbosa:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 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).

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

MORGAN, LEWIS & BOCKIUS, LLP
ONE MARKET SPEAR STREET TOWER
SAN FRANCISCO CA 94105

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 thereof 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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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 05/04/2010

Applicant : Thomas Redel : DECISION ON REQUEST FOR
Patent Number : 7610081 : RECALCULATION of PATENT
Issue Date : 10/27/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/484,197 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/11/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **360** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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
11/484,202	07/10/2006	1661	1000	455610-2530.1	5	20	3

CONFIRMATION NO. 7582
CORRECTED FILING RECEIPT


OC000000020360665

 20999
 FROMMER LAWRENCE & HAUG
 745 FIFTH AVENUE- 10TH FL.
 NEW YORK, NY 10151

Date Mailed: 09/08/2006

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)

 Keith Michael Roberts, Chester, NY;
 Stephen C. Ems, Sloatsburg, NY;

Power of Attorney:

 William Frommer--25506
 Gordon Kessler--38511

Domestic Priority data as claimed by applicant

This application is a CON of 10/013,600 12/11/2001 PAT 7,076,014

Foreign Applications

If Required, Foreign Filing License Granted: 08/08/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/484,202**

Projected Publication Date: 12/21/2006

Non-Publication Request: No

Early Publication Request: No

Title

Precise synchronization of distributed systems

Preliminary Class

713

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR

1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



ROBERT O. BLINN
PO BOX 75144
WICHITA KS 67275-0144

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APR 12 2010

OFFICE OF PETITIONS

DECISION ON PETITION

In re Application of :
Eric Thomas Schmidt :
Application No. 11/484,212 :
Filed: July 11, 2006 :
For: AERODYNAMICALLY EFFICIENT :
SURFACE :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 28, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an RCE, amendment and replacement drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final rejection mailed April 13, 2009, is accepted as having been unintentionally delayed.

The Power of Attorney submitted on December 28, 2009 has been accepted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3644 for appropriate action by the Examiner in the normal course of business on the reply received December 28, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No. : _____

DATE : 11/20/2008

TO SPE OF : ART UNIT 3651

SUBJECT : Request for Certificate of Correction for Appl. No 11/484,218 : 7,472,788

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)

Should the change(s)
Be made?

RoChau Johnson
Certificates of Correction Branch

571 272-0470

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: _____

J.R.B.
SPE

3651
Art Unit



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MUETING, RAASCH & GEBHARDT, P.A.
P.O. BOX 581415
MINNEAPOLIS MN 55458

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DEC 06 2007

OFFICE OF PETITIONS

Applicant: Benz et al.
Appl. No.: 11/484,219
Filing Date: July 11, 2006
Title: COMPOUNDS CONTAINING QUATERNARY CARBONS, MEDICAL DEVICES,
AND METHODS
Attorney Docket No.: 134.01750102
Pub. No.: US 2006/0252905 A1
Pub. Date: November 9, 2006

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 29, 2006, for the above-identified application

The request is granted-in-part.

Applicant requests that the application be republished because the patent application publication contains material errors, wherein the preliminary amendment to the specification was not included in the publication and there are errors in claims 1, 20, 21 and 96.

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 republication of the application with respect to the errors in the subscripts in claims 1, 20, 21 and 96 is GRANTED. The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Applicant is advised that he may want to file application papers that are clearer, as the errors may be due to the quality of the text. The text in the some of the formulas is small, which makes it

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

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 error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification in the publication by the Office because patent application publications are not required to include preliminary amendments, according to 37 CFR 1.215(a),² which says the following, in part:

(a) ... The patent application publication will be based upon the specification and drawings deposited on the filing date of the application, as well as the executed oath or declaration submitted to complete the application. **The patent application publication may also be based upon amendments to the specification (other than the abstract or the claims) that are reflected in a substitute specification under Sec. 1.125(b),** amendments to the abstract under Sec. 1.121(b), amendments to the claims that are reflected in a complete claim listing under Sec. 1.121(c), and amendments to the drawings under Sec. 1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. (emphasis added)

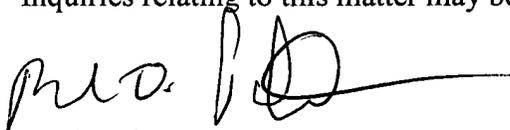
§ 1.215(c) says the following:

(c) At applicant's option, the patent application publication will be based upon the copy of the application (specification, drawings, and oath or declaration) as amended, provided that applicant supplies such a copy in compliance with the Office electronic filing system requirements within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

While the patent application publication may now include a preliminary amendment, the Office is not required to use the preliminary amendment. The Office changed the procedures for publication of patent applications so as to publish applications as amended, when possible. Until 2004, patent application publications were published as originally filed. See Patent Application Publications May Now Include Amendments, 1281 Off. Gaz. Pat. Office Notices 53 (April 13, 2004) and MPEP 1121. Applicant did not file a substitute specification, which incorporated the preliminary amendment. See Pre-Grant Publication Helpful Hint: File Continuation or Divisional Application with a New Specification and Copy of Oath or Declaration from Prior Application, 1251 Off. Gaz. Pat. Office Notices 54 (Oct. 9, 2001).

²Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan; Final Rule, 69 FR 56482 (Sept. 21, 2004).

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

A handwritten signature in black ink, appearing to read 'M. Polutta', with a long horizontal line extending to the right.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



Attention of Stanley J. Gradisar
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis MN 55402-0903

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NOV 07 2006
OFFICE OF PETITIONS

In re Application of :
Fairweather :
Application No. 11/484,220 : **ON PETITION**
Deposit date: July 10, 2006 :
Attorney Docket No. 40512.0001USC4 :
For: METHOD AND SYSTEM FOR
MANAGING KNOWLEDGE

This is a decision on the petition, filed August 21, 2006 and supplemented on October 11, 2006 to accord a filing date of July 10, 2006, to the above-identified application. The petition will be treated under 37 CFR 1.53(e).

The petition under 37 CFR 1.53(e) is **GRANTED**.

The application was deposited on July 10, 2006. However, on August 4, 2006, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" requiring drawings of applicant's invention and stating that the filing date would be the date of receipt of the omitted drawings. It is noted that the specification filed on July 10, 2006 does not reference drawing figures.

As stated in MPEP 601.01(f), it is the practice of the United States Patent and Trademark Office (PTO) to treat an application that contains at least one process, method, or composition claim as an application for which a drawing is not necessary for an understanding of the invention under 35 USC 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, not describing drawing figures in the specification, and filed without drawings will simply be processed for examination.

This application contains "system" claims. It is noted that the title of the invention is "Method and System for Managing Knowledge" and that parent Application no. 10/357,286 was not objected to by OIPE or the examiner of record for lack of drawings. Application no. 11/484,220 is a continuation of Application no. 10/357,286.

In light of the above, the application should have been accorded a filing date and processed for examination.

In view of the above, the "Notice" mailed August 4, 2006 was mailed in error.

The application is entitled to a filing date of July 10, 2006. The petition under 37 CFR 1.53(e) is **GRANTED**.

Pursuant to petitioner's authorization, the \$400.00 petition fee will be refunded to deposit account no. 13-2725.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **July 10, 2006** and for indication in PTO records that "0" sheets of drawings were present on filing.

Thereafter, the application will be forwarded to Technology Center A.U. 2129 for examination in due course.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



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Bruce David Silverman
Apt. 339
7160 Cahill Road
Minneapolis, MN 55439

Mail Date: 04/21/2010

Applicant : Bruce David Silverman : DECISION ON REQUEST FOR
Patent Number : 7620589 : RECALCULATION of PATENT
Issue Date : 11/17/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/484,223 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/11/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **563** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 04/20/2010

Applicant : Paul Zimmerman : DECISION ON REQUEST FOR
Patent Number : 7579285 : RECALCULATION of PATENT
Issue Date : 08/25/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/484,229 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/10/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **223** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



DOV ROSENFELD
5507 COLLEGE AVE, SUITE 2
OAKLAND, CA 94618

MAILED

JUN 29 2010

OFFICE OF PETITIONS

In re Application of :
Martin E. HELLMAN :
Application No. 11/484,269 : DECISION GRANTING PETITION
Filed: July 11, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **HELLM008** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 28, 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 June 16, 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 2618 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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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DW Nov-06

F. CHAU & ASSOCIATES, LLC
130 WOODBURY ROAD
WOODBURY NY 11797

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OFFICE OF PETITIONS

In re Application of :
Lee et al. :
Application No. 11/484,280 : DECISION ON PETITION
Filed: 11 July, 2006 :
Atty. Docket No. 8049-89 :
(PX2023-US/SSD) :

This is a decision on the petition filed on 14 August, 2006, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date of 11 July, 2006, with one (1) sheet of drawings containing Figure 6 described in the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 11 July, 2006.

Accordingly, on 2 August, 2006, Initial Patent Examination Division mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of 11 July, 2006, but that Figure 6 described in the specification appeared to have been omitted.

In response, on 14 August, 2006, the present petition and a copy of one (1) sheet of drawings containing Figure 6 were filed. Petitioners argue that Figure 6 was filed with the other application papers on 11 July, 2006, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an "Office date" stamp of "071106" and the above-identified application number, and identifies the application by the attorney docket number and invention title, and acknowledges receipt of, *inter alia*, 6 sheets of drawings. Petitioners request that the application, including one (1) sheet of drawings containing Figure 6 be accorded a filing date of 11 July, 2006.

A review of the record reveals that 5 sheets of drawings containing Figures 1, 2, 3, 4, and 5 were received on 11 July, 2006. No Figure 6 is located among the drawing figures received on that date. However, the evidence is convincing that the application papers deposited on 11 July, 2006, included one (1) sheet of drawings containing Figure 6, which was subsequently misplaced in the Office. Therefore, the application, including one (1) sheet of drawings containing Figure 6, is entitled to a filing date of 11 July, 2006.

The "Notice" mailed on 2 August, 2006, is vacated.

In view of the above, the petition is granted. The petition fee will be refunded as the petition was necessitated by Office error.

The application will be processed with the copy of one (1) sheet of drawings containing Figure 6 supplied on 14 August, 2006, as a part of the original disclosure.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 11 July, 2006, using the application papers filed on that date and the copy of one (1) sheet of drawings containing Figure 6 supplied with the present petition, and for an indication in Office records that six (6) sheets of drawings were present on filing.

Telephone inquiries should be directed to the undersigned at 571-272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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Mr. Christopher John Rourk
Jackson Walker LLP
901 Main Street, Suite 6000
DALLAS TX 75202

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OCT 01 2007

OFFICE OF PETITIONS

In re Application of:
Vertoprakhov et al.
Application No. 11/484,282
Filed: July 12, 2006
Attorney Docket No.: n/a

:
:
: ON PETITION
:
:
:

This application has been referred to this office in view of the petition filed August 16, 2006, by a third party requesting extraordinary relief under 37 CFR 1.182 with respect from the timing requirements for protesting a reissue application and also as to suspending examination for more than 2 months after publication of that reissue application in the Official Gazette.

The petition considered solely with respect to 37 CFR 1.182 is **dismissed**.

This instant application identified in the petition is not an application for reissue and further more is drawn to entirely different subject matter than the references cited with the protest which refer to the treatment of clams and mussels. Accordingly, the petition is immaterial to this non-reissue application. A courtesy copy of this decision is being mailed on a one-time basis to counsel who filed the petition. Counsel for third party protestor may wish to re-present the petition after carefully checking for the correct application number, in the correct application, but no assurance can be given as to its treatment in that application upon its receipt therein. The USPTO will not further communicate with the third party in this matter.

The USPTO regrets any inconvenience to applicants and their counsel of record.

This case is referenced to the Technology Center for such treatment as the nature of the case may require.

Telephone inquiries related to this communication should be directed to the undersigned at (571) 272-3217.

Brian Hearn
Petitions Examiner

cc:
Cislo & Thomas
233 Wilshire Boulevard Suite 900
Santa Monica California 90401



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Weaver Austin Villeneuve & Sampson LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

Mail Date: 07/30/2010

Applicant : John T. Chapman : DECISION ON REQUEST FOR
Patent Number : 7656890 : RECALCULATION of PATENT
Issue Date : 02/02/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/484,288 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/10/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **357** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 30 2006

EDWARD M. LIVINGSTON, PA
963 TRAIL TERRACE DRIVE
NAPLES FL 34103

In re Application of :
Vincenzo Giuliano et al :
Serial No.: 11/484,296 : PETITION TO MAKE SPECIAL
Filed: July 11, 2006 :
Attorney Docket No.: 06-6015 :

This is in response to the petition filed July 17, 2006, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, I. Therefor the petition is **GRANTED**.

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 at 571-273-8300.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600



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DEAN D. SMALL
THE SMALL PATENT LAW GROUP LLP
225 S. MERAMEC, STE. 725T
ST. LOUIS, MO 63105

Mail Date: 04/29/2010

Applicant	: Deborah Ruth Zelnik	: DECISION ON REQUEST FOR
Patent Number	: 7639782	: RECALCULATION OF PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/484,297	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **280** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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SHUMAKER & SIEFFERT, P. A.
1625 RADIO DRIVE, SUITE 300
WOODBURY MN 55125

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MAR 08 2007

In re Application of
KAMORHARA, Hideaki
Application No. 11/484,307
Filed: July 11, 2006
Attorney Docket No. 1085-059US01

OFFICE OF PETITIONS

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 3, 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 law firm”, 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: **YOUNG & BASILE**
3001 WEST BIG BEAVER ROAD, SUITE 624
TROY, MI 48084



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MCDERMOTT, WILL & EMERY
11682 EL CAMINO REAL
SUITE 400
SAN DIEGO, CA 92130-2047

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OFFICE OF PETITIONS

In re Application of :
Duffy et al. :
Application No. 11/484,319 :
Filed: July 10, 2006 :
Attorney Docket No. IVACP 74783 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 6, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 1, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the application became abandoned on July 2, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, including a terminal disclaimer and fee of \$140; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,110 extension of time fee submitted with the petition on October 6, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This matter is being referred to Technology Center 3763 for further examination on the merits.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: JOHN A. HANKINS
MCDERMOTT, WILL & EMERY
4370 LA JOLLA VILLAGE DRIVE
SUITE 700
SAN DIEGO, CA 92122

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : March 17, 2010

TO SPE OF : ART UNIT 2176

SUBJECT : Request for Certificate of Correction for Appl. No.: 11484322 Patent No.: 7631252

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 – 9D40-C
Palm Location 7580**

**Certificates of Correction Branch
703-756-1573**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- Approved** All changes apply.
- Approved in Part** Specify below which changes **do not** apply.
- Denied** State the reasons for denial below.

Comments: The corrections to the Drawings make the figures
much easier to see and read. ~~The~~ Thus, the corrections are
approved.

DOUG HUTTON
SUPERVISORY PATENT EXAMINER


SPE

2176
Art Unit



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**Groover & Associates
Box 802889
Dallas, TX 75380-2889**

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OCT 01 2008

In re Application of :
Bentley N. Scott :
Application No. 11/484,328 : **DECISION ON PETITION**
Filed: July 11, 2006 : **TO WITHDRAW**
Attorney Docket No. PHDS-43A : **FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 31, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed. Refer to Form No. PTO/SB/83 (Updated 4/2008).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.


Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Elizabeth Pham
Munck Carter, P.C.
600 Banner Place
12770 Coit Road
Dallas, TX 75251



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MICHAEL O. SCHEINBERG
P.O. BOX 164140
AUSTIN TX 78716-4140

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AUG 21 2008

In re Application of :
Gerlach et al. :
Application No. 11/484,340 : **ON PETITION**
Filed: July 10, 2006 :
Attorney Docket No. BG030 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 28, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a signed Oath/Declaration, basic filing fee, additional claim fees and late surcharge, (2) the petition fee, and (3) a proper statement of unintentional delay.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further processing.


Liana Walsh
Petitions Examiner
Office of Petitions



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FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK NY 10103-3198

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DEC 14 2006

OFFICE OF PETITIONS

In re Application of	:	
Frank Clemente et al.	:	
Application No. 11/484,373	:	DECISION ON PETITION
Filed: July 11, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. NY-CLEM 201-US1	:	37 CFR 1.102(c)(1)
(10508190)	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 23, 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 one of the applicant's drivers license proving that he is at least 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 2612 for action on the merits commensurate with this decision.

Terri Williams
Terri Williams
Petitions Examiner
Office of Petitions



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FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK, NY 10103-3198

Mail Date: 04/21/2010

Applicant	: Frank Clemente	: DECISION ON REQUEST FOR
Patent Number	: 7633524	: RECALCULATION OF PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/484,373	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **613** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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Weaver Austin Villeneuve & Sampson LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

Mail Date: 05/19/2010

Applicant	: Kartik Chandran	: DECISION ON REQUEST FOR
Patent Number	: 7620055	: RECALCULATION OF PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/484,382	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **619** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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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	: Kai Liu	: DECISION ON REQUEST FOR
Patent Number	: 7625544	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/484,396	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/11/2006	: 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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In re Application of
Madhukar B. Vora

Application No. 11484402

Filed: July 11, 2006

Attorney Docket No. 078023.0182 (DSM-0023)

:
:

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) filed 11-JUN-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquires concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.



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BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

Mail Date: 05/21/2010

Applicant : Madhukar B. Vora : DECISION ON REQUEST FOR
Patent Number : 7633101 : RECALCULATION of PATENT
Issue Date : 12/15/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/484,402 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/11/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **699** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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RODMAN RODMAN
10 STEWART PLACE
SUITE 2CE
WHITE PLAINS NY 10603

MAILED

JUN 07 2010

OFFICE OF PETITIONS

In re Patent No. 7,580,775 :
Kulyk et al. : DECISION ON REQUEST FOR
Issue Date: August 25, 2009 : RECONSIDERATION OF
Application No. 11/484,411 : PATENT TERM ADJUSTMENT
Filed: July 11, 2006 : AND NOTICE OF INTENT
Attorney Dkt. No. RR-625 : TO ISSUE CERTIFICATE OF
Title: METHOD AND APPARATUS FOR : CORRECTION
IMPLEMENTING ENABLEMENT STATE :
DECISION FOR ENERGY CONSUMING :
LOAD BASED ON DEMAND AND DUTY :
CYCLE OF LOAD :

This is a decision on the petition filed on November 5, 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 two hundred forty-nine (249) days.

The request for reconsideration of patent term adjustment under 37 CFR 1.705(d) is **GRANTED**.

Patentees contends that the reduction to the patent term reduction to 208 days in the Issue notification is inconsistent with the criteria set in the USPTO OG Notice dated December 30, 2008, thus unjustified. Patentees state the submission of the application data sheet on July 16, 2009 was used to update the address of the assignee. In essence patentees dispute the 41-day reduction.

Patentees' contention is well taken. The OG Notice states that:

... the Office is publishing this notice to provide guidance in interpreting the provisions of 37 CFR 1.704(c)(10) to

clarify that submission of certain papers after a "Notice of Allowance," which do not cause substantial interference and delay in the patent issue process, are not considered a "failure to engage in reasonable efforts" to conclude processing or examination of an application. The following are examples of such papers: (1) Issue Fee Transmittal (PTOL-85B), (2) Power of Attorney, (3) Power to Inspect, (4) Change of Address, (5) Change of Status (small/not small entity status), (6) a response to the examiner's reasons for allowance, and (7) letters related to government interests (e.g., those between NASA and the Office). Therefore, the submission of these papers after a Notice of Allowance will not be considered a "failure to engage in reasonable efforts" to conclude processing or examination of an application and would not result in reduction of a patent term adjustment pursuant to 37 CFR 1.704(c)(10).

In view thereof, the patent term adjustment indicated on the patent should be two hundred forty-nine (249) days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by two hundred forty-nine (249) days.

Telephone inquiries specific to this matter should be directed to Charlema Grant, Petitions Attorney, at (571) 272-3215.



Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,580,775 B2

DATED : **August 25, 2009**

DRAFT

INVENTOR(S) : Kulyk 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 208 days

Delete the phrase "by 208 days" and insert – by 249 days--



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RODMAN RODMAN
10 STEWART PLACE
SUITE 2CE
WHITE PLAINS, NY 10603

Mail Date: 06/23/2010

Applicant : Roman Kulyk : DECISION ON REQUEST FOR
Patent Number : 7580775 : RECALCULATION of PATENT
Issue Date : 08/25/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/484,411 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/11/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **294** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



KAPLAN GILMAN GIBSON & DERNIER LLP
900 ROUTE 9 NORTH
WOODBRIIDGE NJ 07095

COPY MAILED

OCT 22 2008

OFFICE OF PETITIONS

In re Application of :
Hironori Suzuki :
Application No. 11/484,422 : DECISION ON PETITION
Filed: July 11, 2006 :
Attorney Docket No. 545/95 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed August 27, 2008.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely file a response to the Notice to File Missing Parts mailed August 2, 2006. This Notice set an extendable period for reply of two (2) months to submit an executed oath or declaration, together with the \$130 surcharge for its late filing. The Office mailed a Notice of Abandonment on August 15, 2008, stating that while the Office received a \$130 retention fee, the retention fee practice had been eliminated.

A review of the application file reveals the presence of a declaration, filed on September 20, 2006. Furthermore, a review of Office records reveals that the Office received the \$130 fee for the late surcharge. As this fee was submitted together with the declaration as required by the Notice to File Missing Parts, it was not a retention fee. Accordingly, it is obvious that the Notice of Abandonment was mailed in error.

In view thereof, **the holding of abandonment is withdrawn.**

The matter is being forwarded to Group Art Unit 2455 for docketing and examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/484,422	07/11/2006	Hironori Suzuki	545/95	8383
27538	7590	06/26/2009	EXAMINER	
GIBSON & DERNIER L.L.P. 900 ROUTE 9 NORTH SUITE 504 WOODBIDGE, NJ 07095			HARLEY, JASON A	
			ART UNIT	PAPER NUMBER
			2449	
			MAIL DATE	DELIVERY MODE
			06/26/2009	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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Gibson & Dernier LLP
900 Route 9 North, Suite 504
Woodbridge, NJ 07095

In re Application of: Hironori SUZUKI
Application No. 11/484,422
Filed: July 11, 2006
For: DATA FILE TRANSMISSION
METHOD AND WIRELESS
COMMUNICATION DEVICE

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY PILOT
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(d)

MAIL

JUN 26 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 22, 2009, to make the above-identified application special.

The petition is **DISMISSED AS MOOT**.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition failed item (4) above, because examination of the application has already begun.

Since examination of the application has already begun, the Petition is **DISMISSED AS MOOT**.

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-3088

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.



Hassan Kizou
Quality Assurance Specialist,
Technology Center 2400



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BRINKS HOFER GILSON &
LIONE/CHICAGO/COOK
PO BOX 10395
CHICAGO IL 60610

MAILED

JUL 06 2010

OFFICE OF PETITIONS

In re Application :
Pal, et al. :
Application No. 11/484,425 : PATENT TERM ADJUSTMENT
Filed: July 11, 2006 :
Dkt. No.: 8627-1298 :

This is in response to the "REQUEST FOR PATENT TERM ADJUSTMENT (PTA) UNDER 37 C.F.R. § 1.705(d)," filed February 26, 2010. This matter is being properly treated under 37 CFR 1.705(b).

Applicant submits that the correct patent term adjustment to be indicated on the patent is 605 days, not 463 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction on the basis that the Office will take in excess of three years to issue this patent.

Insofar as the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is DISMISSED as PREMATURE.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See, § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the

USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

Receipt is hereby acknowledged of the required patent term adjustment application fee of \$200.00. See, 37 CFR 1.18(e).

However, any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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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THE GATES CORPORATION
IP LAW DEPT. 10-A3
1551 WEWATTA STREET
DENVER, CO 80202

MAILED

MAY 19 2009

OFFICE OF PETITIONS

In re Application of
Alexander Serkh, et al.
Application No. 11/484,434
Filed: July 11, 2006
Attorney Docket No. B01-081C

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed March 23, 2009.

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. Jerry L. Mahurin 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.

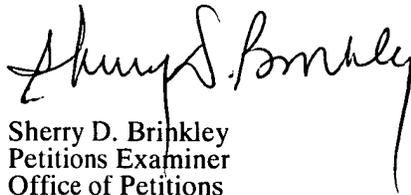
The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before March 16, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed December 15, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 16, 2009. On March 23, 2009, the present petition was filed. A Notice of Abandonment was subsequently mailed on March 27, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$1,510 issue fee and \$300 publication fee; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay¹.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.



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Thomas Langer
COHEN, PONTANI, LIEBERMAN & PAVANE LLP
Suite 1210
551 Fifth Avenue
New York NY 10176

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JUN 28 2007

OFFICE OF PETITIONS

In re Application of :
CHRISTIAN FERSTL : DECISION ACCORDING STATUS
Application No. 11/484,441 : UNDER 37 CFR 1.47(a)
Filed: 07/11/2006 :
Attorney Docket No. 5367-251 :

This is in response to the petition under 37 CFR 1.47(a), filed January 30, 2007.

The petition under 37 CFR 1.47(a) is **granted**.

Petitioners showed that the non-signing inventor constructively refused to join in the filing of the above-identified application after having been mailed the application papers. Specifically, petitioners established that they mailed a copy of the application papers to the last known address of the non-signing inventor; however, he did not respond to the request to sign the declaration.

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 Technology Center AU 2828 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Christian Ferstl
Haidauerstrasse 4
93073 Neutraubling
Germany AIR MAIL

COPY MAILED

JUN 28 2007

OFFICE OF PETITIONS

In re Application of :
CHRISTIAN FERSTL : LETTER
Application No. 11/484,441 :
Filed: 07/11/2006 :
Attorney Docket No. 5367-251 :

Dear Mr. Ferstl:

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: Thomas Langer
COHEN, PONTANI, LIEBERMAN & PAVANE LLP
Suite 1210, 551 Fifth Avenue
New York NY 10176



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SEAGATE TECHNOLOGY LLC
C/O WESTMAN, CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402-3244

Mail Date: 04/21/2010

Applicant	: Bengt A. Ulriksson	: DECISION ON REQUEST FOR
Patent Number	: 7650561	: RECALCULATION OF PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/484,462	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **861** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 : 8/25/08

Paper No.: _____

TO SPE OF : ART UNIT 2831

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/484465 Patent No.: 7375632B1

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

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: TSD 9/18/08


DIEGO GUTIERREZ
SUPERVISORY PATENT EXAMINER
SPE 2831
Art Unit



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MAILED
FROM DIRECTOR'S OFFICE

MAY 07 2007

TECHNOLOGY CENTER 3600

Yijing Sun
6311 Twonotch Ct
Dublin, OH 43016

In re application of : **DECISION ON PETITION**
Yijing Sun : **TO MAKE SPECIAL FOR**
Application No. 11/484,515 : **NEW APPLICATION**
Filed: July 11, 2006 : **UNDER 37 CFR 1.102**
For: BUILDING-ABOVE-LAND FOR PROTECTING :
VEGETATION AND ENVIRONMENT :

This is a decision on the petition filed on March 29, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The petition to make special under accelerated examination under 37 C.F.R. § 1.102(d) is not acceptable because it was not filed with the application as required in the above Federal Register Notice of June 26, 2006. It appears that the petition was filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines. Since applicant's petition was received on March 29, 2007 the petition must be considered under the new guidelines and thus is properly **DENIED**.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Kenneth J. Dorner, Quality Assurance Specialist, at (571) 272-6587.



Kenneth J. Dorner
Quality Assurance Specialist
Technology Center 3600

KJD/dew: 05/02/07



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Fish & Richardson PC
P.O.Box 1022
Minneapolis, MN 55440

Mail Date: 04/21/2010

Applicant : Richard E. Newman : DECISION ON REQUEST FOR
Patent Number : 7664955 : RECALCULATION of PATENT
Issue Date : 02/16/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/484,542 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/10/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **395** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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RICHARD W. WHITE
ROOM #8
660 VAN HOUTEN AVENUE
EL CAJON CA 92020-5134

COPY MAILED

DEC 07 2009

OFFICE OF PETITIONS

In re Application of	:	
Richard W. White	:	
Application No. 11/484553	:	DECISION
Filing or 371(c) Date: 07/12/2006	:	ON PETITION
Title of Invention:	:	
FLYING SAUCER	:	

This is a decision on the "Petition to Revive Patent Application Unintentionally Abandoned Under 37 CFR 1.137(b)," filed August 31, 2009.

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed May 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 timely and proper reply having been received, the application became abandoned on August 8, 2008. A Notice of Abandonment was mailed December 8, 2008.

The present petition filed under 37 CFR 1.137(b)

Applicant files the present petition under 37 CFR 1.137(b), and includes a petition fee of \$255.00. No reply to the non-final Office action has been included with the petition.

Applicable law, Rules and MPEP

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply, unless previously filed;
- (2) the petition fee as set forth in 37 CFR 1.17(m);
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and
- (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

The present petition lacks items (1) and (2).

As to item (1), petitioner is advised that the petition fee for a petition under 37 CFR 1.137(b) is currently \$810.00. Petitioner submitted \$255.00. Before the merits of the petition may be considered, the balance of the petition fee must be submitted.

It is noted that the fee for a petition to revive an UNAVOIDABLY abandoned application was \$255.00 prior to the current fee schedule, which took effect October 2, 2008. The current fee for a petition to revive an unavoidably abandoned application is \$540.00, reduced by half for a small entity, or \$270.00. However, in addition to the fee, a petition to revive an UNAVOIDABLY abandoned application requires 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.

In order to determine whether the delay was unavoidable, the courts have adopted a “reasonably prudent person” standard. The courts have provided that:

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 Pratt, 1887 Dec. Comm’r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 667-68 (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).

A delay resulting from an error (e.g., a docketing error) on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that:

- (A) the error was the cause of the delay at issue;
- (B) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; and
- (C) the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.

See *In re Egbers*, 6 USPQ2d 1869, 1872 (Comm'r Pat. 1988), rev'd on other grounds sub nom., *Theodor Groz & Sohne & Ernst Bechert Nadelfabrik KG v. Quigg*, 10 USPQ2d 1787 (D.D.C. 1988); *In re Katrapat*, 6 USPQ2d 1863, 1867-68 (Comm'r Pat. 1988). For example, where an application becomes abandoned as a consequence of a change of correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply) an adequate showing of "unavoidable" delay will require a showing that due care was taken to adhere to the requirement for prompt notification in each concerned application of the change of address (see MPEP § 601.03), and must include an adequate showing that a timely notification of the change of address was filed in the application concerned, and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address. The following do not constitute proper notification of a change in correspondence address:

- (A) the mere inclusion, in a paper filed in an application for another purpose, of an address differing from the previously provided correspondence address, without mention of the fact that an address change was being made;
- (B) the notification on a paper listing plural applications as being affected (except as provided for under the Customer Number practice - see MPEP § 403); or
- (C) the lack of notification, or belated notification, to the U.S. Patent and Trademark Office of the change in correspondence address.

Delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP, however, does not constitute "unavoidable" delay. See *Haines*, 673 F. Supp. at 317, 5 USPQ2d at 1132; *Vincent v. Mossinghoff*, 230 USPQ 621, 624 (D.D.C. 1985); *Smith v. Diamond*, 209 USPQ 1091 (D.D.C. 1981); *Potter v. Dann*, 201 USPQ 574 (D.D.C. 1978); *Ex parte Murray*, 1891 Dec. Comm'r Pat. 130, 131 (1891). For example, as 37 CFR 1.116 and 1.135(b) are manifest that proceedings concerning an amendment after final

rejection will not operate to avoid abandonment of the application in the absence of a timely and proper appeal, a delay is not “unavoidable” when the applicant simply permits the maximum extendable statutory period for reply to a final Office action to expire while awaiting a notice of allowance or other action. Likewise, as a “reasonably prudent person” would file papers or fees in compliance with 37 CFR 1.8 or 1.10 to ensure their timely filing in the USPTO, as well as preserve adequate evidence of such filing, a delay caused by an applicant’s failure to file papers or fees in compliance with 37 CFR 1.8 and 1.10 does not constitute “unavoidable” delay. See Krahn, 15 USPQ2d at 1825. Finally, a delay caused by an applicant’s lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered “unavoidable” due to: (A) the applicant’s reliance upon oral advice from USPTO employees; or (B) the USPTO’s failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action. See In re Sivertz, 227 USPQ 255, 256 (Comm’r Pat. 1985).

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).

An applicant who fails to file a petition under 37 CFR 1.137(a) “promptly” upon becoming notified, or otherwise becoming aware, of the abandonment of the application will not be able to show 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 removal of the language in 37 CFR 1.137(a) requiring that any petition thereunder be “promptly filed after the applicant is notified of, or otherwise becomes aware of, the abandonment” should not be viewed as: (A) permitting an applicant, upon becoming notified, or otherwise becoming aware, of the abandonment of the application, to delay the filing of a petition under 37 CFR 1.137(a); or (B) changing (or modifying) the result in In re Application of S, 8 USPQ2d 1630 (Comm’r Pat. 1988), in which a petition under 37 CFR 1.137(a) was denied due to the applicant’s deliberate deferral in filing a petition under 37 CFR 1.137. An applicant who deliberately chooses to delay the filing of a petition under 37 CFR 1.137 (as in Application of S, 8 USPQ2d at 1632) will not be able to show 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” or even make an appropriate 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.”

As to item (2), a reply to the non-final Office action is required. Petitioner is advised that where the Abandonment is for Failure To Reply to a non-final Action, as is the case here, the required reply to a non-final action in a nonprovisional application abandoned for failure to prosecute may be either:

(A) an argument or an amendment under 37 CFR 1.111;

(B) the filing of a continuing application under 37 CFR 1.53(b) (or a continued prosecution application (CPA) under 37 CFR 1.53(d) if the application is a design application).

The grant of a petition under 37 CFR 1.137 is not a determination that any reply under 37 CFR 1.111 is complete. Where the proposed reply is to a non-final Office action, the petition may be granted if the reply appears to be bona fide. After revival of the application, the patent examiner may, upon more detailed review, determine that the reply is lacking in some respect. In this limited situation, the patent examiner should send out a letter giving a 1-month shortened statutory period under 37 CFR 1.135(c) for correction of the error or omission. Extensions of time under 37 CFR 1.136(a) are permitted. If applicant does not correct the omission within the time period set in the letter (including any extension), the application is again abandoned.

A copy of the Office action is enclosed.

The Change of Correspondence Address has been entered and made of record.

Finally, Applicant is advised that a list of registered practitioners is available at www.uspto.gov/main/patents. Applicant is further advised that the Inventor's Assistance Center is available, at 1-800-786-9199, for assistance in prosecuting the patent application.

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. Questions regarding rules of practice before this Office should be

directed to the Inventor's Assistance Center, at 1-800-786-9199, or to a registered practitioner. All other inquiries should be directed to the applicable Office.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

Enclosure: non-final Office action, mailed May 7, 2008



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/484,553	07/12/2006	Richard Wilton White		4305

7590 05/07/2008
Richard W. White
#5 660 Van Houton
El Cajon, CA 92020-3144

EXAMINER

BONZELL, PHILIP J

ART UNIT PAPER NUMBER

3644

MAIL DATE DELIVERY MODE

05/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 11/484,553	Applicant(s) WHITE, RICHARD WILTON	
	Examiner PHILIP J. BONZELL	Art Unit 3644	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 July 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 and 2 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-2 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>NPL</u> |

DETAILED ACTION

An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

Specification

1. The abstract of the disclosure is objected to because there are two abstracts, please indicate which one is desired to be used. Correction is required. See MPEP § 608.01(b).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.

Art Unit: 3644

- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.
- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.

Art Unit: 3644

- (i) **Detailed Description of the Invention:** See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (j) **Claim or Claims:** See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) **Abstract of the Disclosure:** See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) **Sequence Listing.** See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

Claim Objections

2. Claim 1a objected to because of the following informalities: Claims should be numbered in a sequentially numeric series, "1a" should be changed to --2--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Buchsel (US Patent #5115999).

a. For Claim 1, figure 1 of Buchsel teaches a powered vehicle that is capable to transport people or goods through the air which moves vertical at take off and can land.

b. For Claim 2, figure 3 of Buchsel teaches an aerodynamic fuselage that is teardrop shape at the nose cone (16), has wings (22 and 24) affixed and powered by jet engines that are affixed below the fuselage. Figure 1 teaches multiple passenger decks.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHILIP J. BONZELL whose telephone number is (571)270-3663. The examiner can normally be reached on M-Th 8-5;

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mansen can be reached on (571)272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. J. B./
Examiner, Art Unit 3644

/Michael R Mansen/
Supervisory Patent Examiner, Art
Unit 3644

pjb



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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The Law Office of Jane K. Babin
Professional Corporation
c/o Intellevate
P.O. Box 52050
Minneapolis MN 55402

MAILED

MAY 10 2010

OFFICE OF PETITIONS

In re Application of :
Richard W. White :
Application No.: 11/484553 : **DECISION ON**
Filing or 371(c) Date: 07/12/2006 : **PETITION**
Attorney Docket Number: :
141-00100 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 16, 2010, to revive the above-identified application.

This Petition is **granted**.

Background

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed May 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 reply having been received, the application became abandoned August 8, 2008. A Notice of Abandonment was mailed December 8, 2008.

Applicant filed a petition to revive the application on August 31, 2009, which was dismissed in a Decision mailed December 7, 2009, for failing to meet the requirements of a grantable petition.

The present petition

Applicant files the present petition and Amendment in response to the Office action. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply in the form of an Amendment; (2) the petition fee, and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

Applicant also requests information on how to obtain copies of the Notice of References Cited (PTO-892), and Information Disclosure Statement(s) (PTO-1440 or PTO/SB/08).

The Power of Attorney and Change of Correspondence Address has been entered and made of record.

This application is being referred to Technology Center Art Unit 3644 for processing of the Amendment filed with the petition, and for further examination in due course.

Telephone inquiries concerning this Decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions



FASKEN MARTINEAU DUMOULIN LLP
2100 – 1075 WEST GEORGIA STREET
VANCOUVER V6E 3G2 CA
CANADA

COPY MAILED

JUL 28 2009

OFFICE OF PETITIONS

In re Application of :
Julianne Marie KAWA, et al :
Application No. 11/484,557 : DECISION ON PETITION
Filed: July 12, 2006 :
Attorney Docket No. 265890.00008 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 31, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed August 1, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. A two (2) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on December 2, 2006.

The proposed reply received on November 9, 2006, is acknowledged, however, does not constitute a proper reply to the Office action of August 1, 2006, because the reply did not include the required surcharge.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (3).

There are three periods to be considered during the evaluation of a petition under 37 CFR 1.137(b):

- (1) the delay in reply that originally resulted in the abandonment;
- (2) the delay in filing an initial petition pursuant to 37 CFR 1.137(b) to revive the application; and
- (3) the delay in filing a grantable petition pursuant to 37 CFR 1.137(b) to revive the application.

Currently, the delay has not been shown to the satisfaction of the Director to be unintentional for periods (1) and (2).

As to Period (1):

The patent statute at 35 U.S.C. § 41(a)(7) authorizes the Director to revive an "unintentionally abandoned application." The legislative history of Public Law 97-247 reveals that the purpose of 35 U.S.C. § 41(a)(7) is to permit the Office to have more discretion than in 35 U.S.C. §§ 133 or 151 to revive abandoned applications in appropriate circumstances, but places a limit on this discretion, stating that "[u]nder this section a petition accompanied by either a fee of \$500 or a fee of \$50 **would not be granted where the abandonment** or the failure to pay the fee for issuing the patent **was intentional** as opposed to being unintentional or unavoidable." [emphasis added]. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6-7 (1982), *reprinted in* 1982 U.S.C.C.A.N. 770-71. The revival of an intentionally abandoned application is antithetical to the meaning and intent of the statute and regulation.

35 U.S.C. § 41(a)(7) authorizes the Director to accept a petition "for the revival of an unintentionally abandoned application for a patent." As amended December 1, 1997, 37 CFR 1.137(b)(3) provides that a petition under 37 CFR 1.137(b) must be accompanied by a statement that the delay was unintentional, but provides that "[t]he Commissioner may require additional information where there is a question whether the delay was unintentional." Where, as here, there is a question whether the initial delay was unintentional, the petitioner must meet the burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b). See *In re Application of G*, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989); 37 CFR 1.137(b). Here, in view of the inordinate delay (over 2 years) in resuming prosecution, there is a question whether the entire delay was unintentional. Petitioner should note that the issue is not whether some of the delay was unintentional by any party; rather, the issue is whether the entire delay has been shown to the satisfaction of the Director to be unintentional.

The question under 37 CFR 1.137(b) for period (1) is whether the delay on the part of the party having the right or authority to reply to avoid abandonment (or not reply) was unintentional. Accordingly, any renewed petition must clearly identify the party having the right to reply to

avoid abandonment on December 2, 2006. That party, in turn must explain what effort(s) was made to further reply to the outstanding Office action and, further, why no reply was filed. If no effort was made to further reply, then that party must explain why the delay in this application does not result from a deliberate course of action (or inaction). Likewise, the party(s) responsible at the time of abandonment, should explain why this application became abandoned while it was under his or her control and what efforts were made to further reply of itself and with whom this matter was discussed.

Copies of any correspondence relating to the filing, or to not filing a further reply to the outstanding Office action are required from responsible person(s), and whoever else was involved with this application at the time of abandonment. Statements are required from any and all persons then at the law office, and the responsible person(s) having firsthand knowledge of the circumstances surrounding the lack of a reply to the outstanding Office action. As the courts have made clear, it is pointless for the USPTO to revive a long abandoned application without an adequate showing that the delay did not result from a deliberate course of action. *See Lawman Armor v. Simon*, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633 (DC EMich 2005); *Field Hybrids, LLC v. Toyota Motor Corp.*, 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005); *Lumenyte Int'l Corp. v. Cable Lite Corp.*, Nos. 96-1011, 96-1077, 1996 U.S. App. LEXIS 16400, 1996 WL 383927 (Fed. Cir. July 9, 1996) (unpublished) (patents held unenforceable due to a finding of inequitable conduct in submitting an inappropriate statement that the abandonment was unintentional).

As to Period (2):

Likewise, where the applicant deliberately chooses not to seek or persist in seeking the revival of an abandoned application, or where the applicant deliberately chooses to delay seeking the revival of an abandoned application, the resulting delay in seeking revival of the abandoned application cannot be considered as "unintentional" within the meaning of 37 CFR 1.137(b). *See* MPEP 711.03(c).

The language of both 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b) are clear and unambiguous, and, furthermore, without qualification. That is, the delay in filing the reply during prosecution, as well as in filing the petition seeking revival, must have been, without qualification, "unintentional" for the reply to now be accepted on petition. The Office requires that the entire delay be at least unintentional as a prerequisite to revival of an abandoned application to prevent abuse and injury to the public. *See* H.R. Rep. No. 542, 97th Cong., 2d Sess. 7 (1982), reprinted in 1982 U.S.C.C.A.N. 771 ("[i]n order to prevent abuse and injury to the public the Commissioner . . . could require applicants to act promptly after becoming aware of the abandonment"). The December 1997 change to 37 CFR 1.137 did not create any new right to overcome an intentional delay in seeking revival, or in renewing an attempt at seeking revival, of an abandoned application. *See* Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg.

53131, 53160 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 87 (October 21, 1997), which clearly stated that any protracted delay (here, over 2 years) could trigger, as here, a request for additional information. As the courts have since made clear, a protracted delay in seeking revival, as here, requires a petitioner's detailed explanation seeking to excuse the delay as opposed to USPTO acceptance of a general allegation of unintentional delay. See Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633, at 1637-8 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005) at *21-*23. Statements are required from any and all persons then at the law office and the responsible person(s) having firsthand knowledge of the circumstances surrounding the protracted delay, after the abandonment date, in seeking revival.

As noted in MPEP 711.03(c)(II), subsection D, in instances in which such petition was not filed within 1 year of the date of abandonment of the application, applicants should include:

- (A) the date that the applicant first became aware of the abandonment of the application; and
- (B) a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant.

In either instance, applicant's failure to carry the burden of proof to establish that the "entire" delay was "unavoidable" or "unintentional" may lead to the denial of a petition under 37 CFR 1.137(b), regardless of the circumstances that originally resulted in the abandonment of the application. See also New York University v. Autodesk, 2007 U.S. DIST LEXIS, U.S. District LEXIS 50832, *10 -*12 (S.D.N.Y. 2007)(protracted delay in seeking revival undercuts assertion of unintentional delay).

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.

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.

Any renewed petition may be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

Telephone inquiries concerning this decision should be directed to the Diane Goodwyn at (571) 272-6735.



for Thurman K. Page
Petitions Examiner
Office of Petitions

cc: DANIEL R. POLONENKO
C/O FASKEN MARTINEAU DUMOULIN LLP,
2900 0-550 BURRARD STREET
VANCOUVER, BC V6C 0A3
CANADA



**FASKEN MARTINEAU DUMOULIN LLP
2100 – 1075 WEST GEORGIA STREET
VANCOUVER V6E 3G2 CA CANADA**

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FEB 01 2010

In re Application of :
Julianne Marie KAWA, et al :
Application No. 11/484,557 : **DECISION ON PETITION**
Filed: July 12, 2006 :
Attorney Docket No. 265890-00008 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 13, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed August 1, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. A two (2) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on December 2, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required fees; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

The Terminal Disclaimer filed with the petition on October 13, 2009, is acknowledged and will be processed within the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-6735.

This application is being referred to the Office of Data Management for appropriate action in the normal course of business.

/DCG/7CP

Diane C. Goodwyn
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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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/484,559	07/12/2006	Edmundo Simental	COE-600	9754
30046	7590	02/23/2010	EXAMINER	
Albuquerque Engineer District			DRENNAN, BARRY T	
ATTN: CESPAC-OC			ART UNIT	
4101 Jefferson Pl. NE			PAPER NUMBER	
Albuquerque, NM 87109-3434			2624	
			NOTIFICATION DATE	
			DELIVERY MODE	
			02/23/2010	
			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):

earl.baugher@usace.army.mil
willa.prato@usace.army.mil
dampatents@comcast.net



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Albuquerque Engineer District
CESPA-OC (R. 303)
4101 Jefferson Pl. NE
Albuquerque, NM 87109-3434

MAIL

FEB 22 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
Edmundo Simental et al.	:	
Serial No.: 11/484,559	:	
Filed: July 12, 2006	:	DECISION ON PETITION
For: EFFICIENT IMAGERY EXPLOITATION	:	<i>ACCEPTANCE OF COLOR DRAWINGS</i>
EMPLOYING WAVELET-BASED	:	
FEATURE INDICES	:	

This is a decision on the petition under 37 CFR §1.184(a)(2) filed July 12, 2006, requesting acceptance of color drawings.

The petition requests that the color drawings identified in Figures 1A, 3A, 4A, 5A, 6A, 7A, 8A, 9A, 10A, 11A, 12A, 13A, 14A and 15A be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition did not contain three (3) complete sets of color photographs for drawings. Currently there is one (1) set of colored photographs associated with the file.

Therefore the *petition* is **DISMISSED**.

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 three (3) sets of color drawings, color photographs and a black and white photocopy of the same.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications



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.
11/484,559	07/12/2006	Edmundo Simental	COE-600	9754

30046 7590 03/31/2010
Albuquerque Engineer District
ATTN: CESP-OC
4101 Jefferson Pl. NE
Albuquerque, NM 87109-3434

EXAMINER

DRENNAN, BARRY T

ART UNIT PAPER NUMBER

2624

NOTIFICATION DATE DELIVERY MODE

03/31/2010

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):

earl.baugher@usace.army.mil
willi.prato@usace.army.mil
dampatents@comcast.net



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Albuquerque Engineer District
ATTN: CESPAC-OC (Room 303)
4101 Jefferson Pl. NE
Albuquerque, NM 87109-3434

MAIL

MAR 3 02010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Edmundo Simental *et al.*
Serial No.: 11/484,559
Filed: July 12, 2006
For: **EFFICIENT IMAGERY EXPLOITATION
EMPLOYING WAVELET-BASED FEATURE
INDICES**

DECISION ON PETITION
ACCEPTANCE OF COLOR DRAWINGS

This is a decision on the petition under 37 CFR §1.184(4)(2) filed February 26, 2010, requesting reconsideration of petition, which is being treated as a petition under 37 C.F.R. § 1.84(a)(2), requesting acceptance of color drawings.

The petition requests that the color drawings identified in Figures 1A, 3A, 4A, 5A, 6A, 7A, 8A, 9A, 10A, 11A, 12A, 14A and 15A be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is **GRANTED**.

Michael Horabik
Quality Assurance Specialist
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

Paper No. None

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

COPY MAILED

SEP 04 2007

OFFICE OF PETITIONS

In re Application of	:	
Marten Wittorf, Lars Hoffmann,	:	
and Mathias Hoffmann	:	
Application No. 11/484,572	:	
Filed: July 12, 2006	:	DECISION ON PETITION
Attorney Docket No. 10400S-	:	
000008/US	:	
Title: METHOD AND SYSTEM FOR	:	
EMERGENCY CALLS FROM VEHICLES	:	

This is in response to the petition pursuant to 37 C.F.R. § 1.47(a)¹, filed July 12, 2007.

On July 12, 2006, the application was filed, identifying Marten Wittorf, Lars Hoffmann, and Mathias Hoffmann as joint inventors. The application was deposited without an executed oath or

1A grantable petition under 37 C.F.R. § 1.47(a) requires:

- (1) the petition fee of \$200;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(e);
- (3) a statement of the last known address of the non-signing inventors;
- (4) either
 - a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
 - b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;
- (5) a declaration which complies with 37 C.F.R. § 1.63.

declaration. On August 2, 2006, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, requiring a fully executed oath or declaration along with the surcharge associated with the late submission of the same. This Notice set a two-month period for reply. On January 3, 2007, a declaration was received, along with the surcharge associated with the late submission of the same and a three-month extension of time².

The declaration that had been submitted had been executed by only two of the three joint inventors - Mathias Hoffmann failed to execute the declaration. Consequently, on January 12, 2007, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Second Notice) was mailed, requiring a fully executed oath or declaration. This Notice set a two-month period for reply.

Along with the present petition, Petitioner has submitted, *inter alia*, the petition fee, a four-month extension of time to make timely this response, and a declaration of facts.

Petitioner has met requirements (1) - (3) of Rule § 1.47(a).

Regarding the fourth requirement of Rule § 1.47(a), Petitioner has not submitted adequate proof that diligent efforts have been made to locate the non-signing inventor. Petitioner has set forth that the non-signing joint inventor cannot be reached, and as such, Petitioner is required to establish that a diligent effort was made to locate the non-signing inventor. Petitioner has asserted that a search was performed for the non-signing inventor, and has included a copy of the search results. It is clear that several leads were obtained from the search, but it does not appear that Petitioner followed up on any of these leads. It cannot be asserted that the inventor cannot be found or reached if Petitioner is in possession of a plurality of potentially valid addresses for the non-signing inventor.

Regarding the fifth requirement of Rule § 1.47(a), Petitioner has not submitted a declaration that complies with 37 C.F.R. § 1.63. The declaration submitted on January 3, 2007 contains non-initialed and non-dated changes by joint inventor Lars Hoffmann³.

It follows that the present petition must be **DISMISSED**.

² It is noted that the Federal Government was closed on January 2, 2007, by Executive Order, in tribute to former President Gerald R. Ford.

³ See 37 C.F.R. § 1.52(c)(1) and MPEP § 605.04(a).

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. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail⁴, hand-delivery⁵, or facsimile⁶. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web⁷.

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225⁸. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

5 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

6 (571) 273-8300- please note this is a central facsimile number.

7 <https://portal.uspto.gov/authenticate/authenticateuserlocalepf.html>

8 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/484,601	07/12/2006	Hitoshi Suzuki	NEC05114US	1083

21254 7590 02/14/2008
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER

TREAT, WILLIAM M

ART UNIT PAPER NUMBER

2181

MAIL DATE DELIVERY MODE

02/14/2008

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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

MAILED

FEB 14 2008

TECHNOLOGY CENTER 2100

In re Application of: Hitoshi SUZUKI
Application No. 11/484,601
Filed: July 12, 2006
Attorney Docket No. NEC05114US
For: INSTRUCTION PREFETCH
APPARATUS AND INSTRUCTION
PREFETCH METHOD

DECISION ON PETITION
UNDER 37 CFR §1.181

This is a decision on the petition filed on November 7, 2007, under 37 CFR 1.181, requesting withdrawal of Not-Fully Responsive objection mailed by examiner on October 17, 2007.

The Petition is **GRANTED**.

RECENT PROSECUTION HISTORY

May 7, 2007	Non-Final Rejection (FAOM) mailed, including objection to drawings, and requirement to label figures 6, 7, 8A, 8B, and 9 as Prior Art.
July 26, 2007	Amendment and Response filed by applicant, including request for reconsideration and withdrawal of objection to the drawings.
October 17, 2007	Examiner mailed a communication indicating that applicants' response above was not fully responsive to the office action (FAOM) above.
November 7, 2007	Instant Petition filed requesting withdrawal of the not fully responsive objection mailed on October 17, 2007.

RELIEF REQUESTED

The instant petition filed under 37 CFR 1.181 requests that the not fully responsive objection mailed on October 17, 2007, be withdrawn.

REGULATIONS AND PRACTICE

The relevant sections of the M.P.E.P. are set forth below:

A petition under 37 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.

MPEP 714.02 Must be Fully Responsive, states in part:

(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 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.

(c) In amending in reply to a rejection of claims in an application or patent under reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. The applicant or patent owner must also show how the amendments avoid such references or objections.

In all cases where reply to a requirement is indicated as necessary for further consideration of the claims, or where allowable subject matter has been indicated in an application, a complete reply

must either comply with the formal requirements or specifically traverse each one not complied with.

MPEP 608.01(c) states

The Background of the Invention ordinarily comprises two parts:

(1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions. The statement should be directed to the subject matter of the claimed invention.

(2) Description of the related art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A paragraph(s) describing to the extent practical the state of the prior art or other information disclosed known to the applicant, including references to specific prior art or other information where appropriate. Where applicable, the problems involved in the prior art or other information disclosed which are solved by the applicant's invention should be indicated. See also MPEP § 608.01(a), § 608.01(p) and § 707.05(b).

DECISION

The petition filed on November 7, 2007, includes elements (1) and (2) above, as well as a request for reconsideration. The actions mailed on May 7, 2007, and October 17, 2007, constitute repeated action by the Examiner.

Examiner states in the communication mailed on September 17, 2007, that "the timely submission under 37 CFR 1.129(a) filed on 7/26/2007 is not fully responsive to the prior Office action because while MPEP 608.02(g) does not require use of the legend, Prior Art, the term Related Art does not convey the same meaning as Prior Art.....". However, as seen from the MPEP sections reproduced above, "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 in **must reply to every ground of objection and rejection in the prior Office action**". Per MPEP, a complete reply must either comply with the formal requirements or **specifically traverse each one not complied with**.

As can be seen by Applicant's remarks (refer page 8 of remarks: paragraph 3) filed on July 26, 2007, applicant has specifically traversed the objection to drawings made by the examiner in the office action mailed on May 7, 2007, and has replied to every ground of objection and rejection in the prior office action. Hence Applicants' response filed on July 26, 2007 is found to be fully responsive to examiner's office action mailed on May 7, 2007.

Accordingly, the Petition is **GRANTED**.

It is noted that per MPEP section 608.01(c) cited above, the Background section of the specification may contain " paragraph(s) describing to the extent practical the state of the prior art or other information disclosed known to the applicant, including references to specific prior art or other information where appropriate. Where applicable, **the problems involved in the prior art or other information disclosed which are solved by the applicant's invention**

should be indicated”.

The application will be forwarded to the examiner for consideration on merits of the amendments and remarks filed on July 26, 2007 and November 14, 2007.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-4210.



Mano Padmanabhan
Mano Padmanabhan
Quality Assurance Specialist
Technology Center 2100, WG 2180



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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 04/20/2010

Applicant	: Masanobu Higashide	: DECISION ON REQUEST FOR
Patent Number	: 7590465	: RECALCULATION OF PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/484,622	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **276** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/484,725 07/12/2006 Nicholas Murison 200501485-2 9609

7590 05/27/2008
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
BARRON JR, GILBERTO

ART UNIT PAPER NUMBER

2132

NOTIFICATION DATE DELIVERY MODE
05/27/2008 ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will not be recognized for the reason(s) indicated below:

- 1. [] The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. [x] The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. [] The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. [] The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Handwritten signature of Nicole Garner

Patent Publication Branch
Office of Data Management



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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11/484,735

07/12/2006

Kentaro Teshima

2018-1398

9596

23117 7590 07/30/2009
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER

POPE, DARYL C

ART UNIT	PAPER NUMBER
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2612

MAIL DATE	DELIVERY MODE
-----------	---------------

07/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Commissioner for Patents
United States Patent and Trademark Office
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MAIL

AUG 14 2009

**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

NIXON & VANDERHYE, PC
9011 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

In re Application of	:	
Kentaro Teshima <i>et al</i>	:	NOTICE OF WITHDRAWAL
Application No. 11/484,735	:	FROM ISSUE
Filed: July 12, 2006	:	UNDER 37 CFR §1.313
Attorney Docket No. 2018-1398	:	

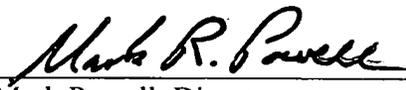
The above-identified application is withdrawn from issue after payment of the issue due to unpatentability of one or more claims. See 37 CFR 1.313(b)(3).

The above identified application is hereby withdrawn from issue.

The issue fee is refundable upon written request. If, however, the application is again found allowable, the issue fee can be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due upon written request. This request and any balance due must be received on or before the due date noted in the new Notice of Allowance in order to prevent abandonment of the application.

Telephone inquiries should be directed to Daniel Wu at (571) 272-2964.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.



 Mark Powell, Director
 Technology Center 2600
 Communications

CC: Office of Publications:

Patent Clerk, Randolph Square -- 10/A44
Supervisory Correspondence Clerk, Randolph Square, 09/D35



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www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/484,763 07/12/2006 Sung-soo Kim 50391 1368

7590 03/11/2009
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER
DASTOURI, MEHRDAD

ART UNIT PAPER NUMBER
2621

MAIL DATE DELIVERY MODE
03/11/2009 PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 03/12/2009 BPOWELL
07/13/2006 STEUNEL1 00000086 11484763
02 FC:1111 -500.00 OP

Repin. Ref: 03/12/2009 BPOWELL 0017231000
DMM:182220 Name/Number:11836141
FC: 5204 \$500.00 CR

Repin. Ref: 03/12/2009 BPOWELL 0017251300
DAR:182220 Name/Number:11484763
FC: 9204 \$500.00 CR



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ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

Mail Date: 04/27/2010

Applicant : Sen-Yen Chen : DECISION ON REQUEST FOR
Patent Number : 7608320 : RECALCULATION of PATENT
Issue Date : 10/27/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/484,783 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/12/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **763** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

Mail Date: 04/21/2010

Applicant : H. Phillip Limbacher JR. : DECISION ON REQUEST FOR
Patent Number : 7604075 : RECALCULATION of PATENT
Issue Date : 10/20/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/484,788 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/10/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **243** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

SEP 24 2007

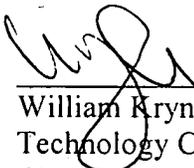
In re Application of :
Magnar J. Grande :
Serial Number: 11/484,798 :
Filed: July 12, 2006 :
For: HYDROPLANING, REDUCING OR ELIMINATING :
DEVICE :

DECISION ON
PETITION UNDER
M.P.E.P. 708.02(IV)

This is in response to the petition filed September 4, 2007, requesting that the above-identified application be granted Special Status under Section 708.02 (IV) of the MPEP and 37 CFR 1.102(c)

The petition has been considered and found to comply with the requirements set forth under the above-noted section. Accordingly, the petition is granted.

The petition is **GRANTED**.



William Krynski, Quality Assurance Specialist
Technology Center 1700
Chemical and Materials Engineering

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.

Antonio Johnson

For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(571)272-0483

ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8704



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1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

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OCT 24 2006

In re Application of
SCHLUGER
Application No. 11/484,806
Filed: July 11, 2006
Attorney Docket No. 1422-006

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OFFICE OF PETITIONS

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 11, 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**.

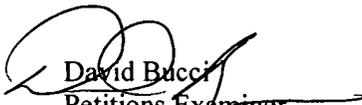
A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The evidence submitted with the instant petition is a declaration signed by Mr. Schluger indicating that he is at least 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Patricia Volpe at 571-272-6825.

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 3728 for action on the merits commensurate with this decision.


David Bucci
Petitions Examiner
Office of Petitions



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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 04/20/2010

Applicant : Philippe Boucard : DECISION ON REQUEST FOR
Patent Number : 7639704 : RECALCULATION of PATENT
Issue Date : 12/29/2009 : TERM ADJUSTMENT IN VIEW
Appliction No : 11/484,837 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/11/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **654** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



DICKSTEIN SHAPIRO LLP
1825 EYE STREET, NW
WASHINGTON, DC 20006

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MAY 09 2008

OFFICE OF PETITIONS

In re Application of :
Alon Regev et al :
Application No. 11/484,854 :
Filed: July 12, 2006 :
Attorney Docket No. M4065.0686/P686-A :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 7, 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 April 18, 2007, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 19, 2007.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2189 for further processing.

Irvin Dingle
Irvin Dingle
Petitions Examiner
Office of Petitions



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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 :
Katsuya Shimatsu :
Application No.: 11/484,859 : ON PETITION
Filed: July 12, 2006 :
Attorney Docket No.: 053588-5077 :

This is a decision on the petition, filed May 28, 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 May 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2854 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS MN 55402-3319

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DEC 12 2007

OFFICE OF PETITIONS

In re Application of :
Arun Balakrishnan et al :
Application No. 11/484,864 : DECISION ON PETITION
Filed: July 10, 2006 :
Attorney Docket No. :
STL 07827.00/M142.12-0045 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 5, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed August 2, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on October 3, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the items required by the Notice of August 2, 2006, (2) the petition fee of \$1,500, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the Notice of August 2, 2006 is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has

not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The power of attorney by assignee is unacceptable since it fails to comply with the provisions of 37 CFR 3.73(b) in that a copy of the assignment and a statement that the assignment was being submitted for recordation was not supplied. It is noted that an assignment has since been recorded on June 5, 2007, the same date as the filing of the present power of attorney. Further, the power of attorney by assignee is not acceptable since it was not signed by an assignee. See MPEP Section 324. However, in view of the appointment of attorneys by the applicants, the power of attorney to the attorneys associated with Customer Number 27365 has been made of record.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision reviving the application for failure to timely reply to the Notice of August 2, 2006.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.



Frances Hicks
Petitions Examiner
Office of Petitions



SHAY GLENN LLP
2755 CAMPUS DRIVE
SUITE 210
SAN MATEO CA 94403

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OFFICE OF PETITIONS

In re Application of
Randell L. Werneth et al.
Application No. 11/484,878
Filed: July 11, 2006
Attorney Docket No. 10228-706.200 AFI-005-
PAR

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**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 17, 2009.

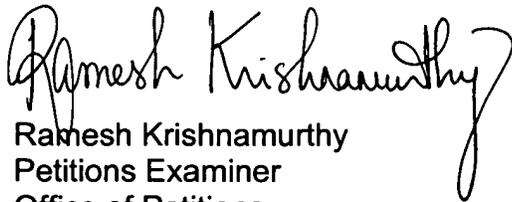
The request is **NOT APPROVED**.

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 Office no longer accept address changes to a new practitioner or law firm filed with a request, absent the filing of a power of attorney to the new representative.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 04/20/2010

Applicant : David Cave : DECISION ON REQUEST FOR
Patent Number : 7592677 : RECALCULATION of PATENT
Issue Date : 09/22/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/484,879 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/11/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **517** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



**HOWARD IP LAW GROUP
P.O. BOX 226
FORT WASHINGTON, PA 19034**

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FEB 19 2008

In re Application of	:	
KRUSOS, Denis A. et al.	:	
Application No. 11/484,889	:	DECISION ON PETITION
Filed: July 11, 2006	:	TO WITHDRAW
Attorney Docket No. Copy-74-CIP3-US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 10, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, “[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]” More specifically, 37 CFR 10.40 states, “[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is” for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, (files were reassigned to the below mentioned firm and transferred to the address mentioned below), does not meet any the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4231.


 Michelle R. Eason
 Paralegal Specialist
 Office of Petitions

cc: **THE PLEVY LAW FIRM
10 RUTGERS PLACE
TRENTON, NJ 08618**



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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 04/20/2010

Applicant : Andrew Hertzfeld : DECISION ON REQUEST FOR
Patent Number : 7633510 : RECALCULATION of PATENT
Issue Date : 12/15/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/484,891 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/10/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **307** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



SEAGATE TECHNOLOGY LLC C/O WESTMAN
CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS MN 55402-3319

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OFFICE OF PETITIONS

In re Application of :
Rickmer Kose et al. :
Application No. 11/484,893 :
Filed: July 10, 2006 :
Attorney Docket No. M142.12-0044/STL 07826 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 25, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed August 2, 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 October 3, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath and required fees; (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

The application file is being referred to the Office of Patent Application Processing for further processing.

Liana Walsh
Petitions Examiner
Office of Petitions



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SEAGATE TECHNOLOGY LLC
C/O WESTMAN, CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402-3244

Mail Date: 04/21/2010

Applicant	: K. Rickmer E. Kose	: DECISION ON REQUEST FOR
Patent Number	: 7646556	: RECALCULATION OF PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/484,893	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **563** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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CARLTON FIELDS, PA
1201 WEST PEACHTREE STREET
3000 ONE ATLANTIC CENTER
ATLANTA, GA 30309

In re Application of
Alan Kyle Bozeman
Application No. 11/484,924
Filed: July 12, 2006
Attorney Docket No. 49673.24893/US

DECISION DISMISSING PETITION

This is a decision on the petition filed under 37 CFR 1.10(c) on August 28, 2006, requesting that the above-identified application be accorded a filing date of July 10, 2006, instead of the presently accorded date of July 12, 2006. The petition is properly being treated under 37 CFR 1.10(d).

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with the U. S. Postal Service (USPS) as Express Mail on July 10, 2006, before the last scheduled pick up for the day, pursuant to 37 CFR 1.10. In support, the petition is accompanied by:

- (1) a copy of a post card receipt for this application which bears Express Mail label number EV835838105US;
- (2) a declaration by Lucille Golden-Blakey, stating that she deposited the Express Mail package in question at "our office mail stop, before the last schedule pickup" as she does every time she mails correspondence to the USPTO;
- (3) a declaration by Sandra Boyd, the mailroom supervisor at Carlton Fields' office, stating that "as normal course of business, either myself or a staff member pick up correspondence deposited in our mail stop and deliver them to the nearby U.S. Post Office before the last schedule pickup"; and
- (4) a copy of a sheet of counsel's mail log which shows the date and time the mail was deposited with the mailroom.

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.

Petitioner has shown that the instant petition was filed promptly within the meaning of § 1.10(d)(1). There is no dispute that the number of the "Express Mail" mailing label, EV835838105US, was placed on the papers that constitute the correspondence prior to the original mailing by "Express Mail," in compliance with § 1.10(d)(2). The papers presently accorded a filing date of July 12, 2006 bear that "Express Mail" number. However, petitioner has not met the showing required under § 1.10(d)(3).

Assuming arguendo that Ms. Golden-Blakey deposited the Express Mail package with the office's mail stop before the last schedule pickup and then Ms. Boyd or another staff member picked up the correspondence and deliver them to the nearby U.S. Post Office before the last schedule pickup, that does not necessarily entitle applicant to a filing date of July 10, 2006, under 37 CFR 1.10. The date of mailing is established by the rule as the date shown by the Express Mail receipt or some other USPS corroborating evidence showing the date of deposit of the application. It is noted that petitioner has not provided an Express Mail receipt. In fact, the evidences presented implies that the application was deposited in an Express Mail drop box at the USPS. Applicants attention is directed to 37 CFR 1.10(b), which states in part, that:

Correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked. Persons dealing indirectly with the employees of the USPS (such as by deposit in an "Express Mail" drop box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked.

The present petition fails to include any 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 log submitted does not show that the package in question was deposited with the USPS, but merely evidences when the package was put into counsel's mailroom. The declarations submitted with the petition are also insufficient as corroborating evidence required by the rule. Accordingly, the petition is dismissed.

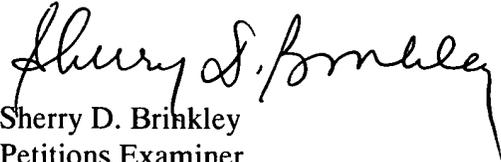
Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)) and should be addressed as follows:

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

The centralized facsimile number is **(571) 273-8300**.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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ATLANTA, GA 30309

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APR 13 2007

OFFICE OF PETITIONS

In re Application of :
Alan K. Bozeman :
Application No. 11/484,924 : **DECISION DISMISSING**
Filed: July 12, 2006 : **PETITION**
Attorney Docket No. 49673.24893/US :

This is a decision on the renewed petition, filed March 12, 2007, requesting that the above-identified application be accorded a filing date of July 10, 2006, rather than the presently accorded date of July 12, 2006. The petition is being treated under 37 CFR 1.10(d).

The petition is **DISMISSED**.

Any request for further reconsideration of this decision should provide **new** supporting evidence and must be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted. If reconsideration is not requested within the time period specified above, this application will be referred to Technology Center Art Unit 3714 with the presently accorded filing date of July 12, 2006.

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.

The showing under 37 CFR 1.10(d) must be corroborated by (1) evidence from the USPS, or (2) evidence that came into being after deposit and within one business day of the deposit of the correspondence as "Express Mail." Evidence from the USPS may be the "Express Mail" Corporate Account Mailing Statement. Due to the questionable reliability of evidence from a party other than the USPS that did not come into being contemporaneously with the deposit of the correspondence with the USPS, 37 CFR 1.10(d) specifically requires that any petition under

37 CFR 1.10(d) be corroborated either by evidence from the USPS, or by evidence that came into being after deposit and within one business day after the deposit of the correspondence as "Express Mail." Evidence that came into being within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains information such as the "Express Mail" number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log. Conversely, evidence created prior to the deposit of the correspondence as "Express Mail" with the USPS (e.g., an application transmittal cover letter, or a client letter prepared prior to the deposit of the correspondence); or created more than one business day after the deposit of the correspondence as "Express Mail" (e.g., an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as "Express Mail") cannot be accepted under the terms of the rule.

Petitioner again requests the earlier filing date under 37 CFR 1.10(c) on the basis that the application was purportedly deposited in Express Mail service on July 10, 2006, pursuant to the requirements of 37 CFR 1.10. It is noted that the evidence on reconsideration does not include a true copy of the "Express Mail" mailing label showing the "date in;" but rather a copy of the USPS Track and Confirm record for Express Mail label No. EV 835838105 US, showing that the package in question was delivered on July 12, 2006. The evidence on reconsideration also restates the arguments initially made in the original petition and provides a new declaration from Sandra Boyd, the mailroom supervisor. Petitioner also requests relief under 37 CFR 1.10(d).

Section 1.10(d) permits the Office to correct a USPS "date-in" error when the correspondence is deposited in an Express Mail drop box prior to the last scheduled pickup of the day; that is, the time clearly marked on the Express Mail drop box, including when the box will be cleared for the last time on the date of deposit. However, in this case petitioner clearly states that the package in question was not filed using an USPS Express Mail Drop Box "because it is not counsel's standard business practice". In fact, the March 12, 2007 declaration of the mailroom supervisor, Sandra Boyd, simply attests to "our standard procedure." Again, the "log book" evidence only corroborates when the package in question was delivered to counsel's mailroom, not when it was actually taken to the USPS. There is no statement or declaration from anyone that specifically remembers taking this particular Express Mail package to the USPS and entrusting it to a postal service employee or an Express Mail drop box.

The reason the Office considers correspondence to have been filed as of the date of deposit as "Express Mail" is that this date has been verified by a disinterested USPS employee, through the insertion of a "date in," or other official USPS notation, on the "Express Mail" mailing label. Therefore the correspondence must be entrusted either to a postal service employee or an Express Mail drop box for the correspondence to have been deposited as Express Mail Post Office to Addressee service of the USPS within the meaning of 37 CFR 1.10(d). *See Nitto Chemical Industry Co. Ltd. v. Comer*, 39 USPQ 1778, 1781-82 (D.D.C. 1994). That is, consignment of

Express Mail correspondence to a first class mail bin at the USPS does not properly entrust the correspondence to the custody of the USPS for purposes of 37 CFR 1.10.

The petition has been reconsidered but the result is the same. The petition does not comply with the requirements of 37 CFR 1.10 (c) or (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
 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 matter may be directed to the undersigned at (571) 272-3204.



Sherry D. Brinkley
Petitioners Examiner
Office of Petitions



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APR 10 2008

OFFICE OF PETITIONS

In re Application of :
Alan K. Bozeman :
Application No. 11/484,924 : DECISION ON PETITION
Filed: July 12, 2006 :
Attorney Docket No. 49673.24893/US :

This is a decision on the renewed petition, filed May 21, 2007, requesting that the above-identified application be accorded a filing date of July 10, 2006, rather than the presently accorded date of July 12, 2006. The petition is being treated under 37 CFR 1.10(d).

The petition is **DISMISSED**.

The revocation and new power of attorney and change of correspondence address filed August 28, 2007 is acknowledged and made of record.

BACKGROUND

Applicant has filed petitions on August 28, 2006 and March 12, 2007, asserting that the above-identified application is entitled to an earlier filing date on the basis that the application was deposited in Express Mail service on July 10, 2006, pursuant to the requirements of 37 CFR 1.10. By decisions mailed February 9, 2007 and April 13, 2007, the petitions were dismissed. Applicant failed to establish to the satisfaction of the Director that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for July 10, 2006.

RELEVANT STATUTE AND REGULATIONS

35 U.S.C. 111(a) provides that:

The filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

37 CFR § 1.10(a) provides that:

- (1) Any correspondence received by the U.S. Patent and Trademark Office (USPTO) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed with the USPTO on the date of deposit with the USPS.
- (2) The date of deposit with USPS is shown by the "date in" on the "Express Mail" label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the USPTO receipt date as the filing date. See § 1.6(a).

37 CFR 1.10(d) further states that:

[A]ny 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:

- (3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

OPINION

On instant request for reconsideration, petitioner again requests the earlier filing date on the basis that the application was deposited in Express Mail service on July 10, 2006, pursuant to the requirements of 37 CFR 1.10. It is noted that the evidence on reconsideration restates the arguments initially made in the previous petitions and provides a new declaration dated May 4, 2007 from Mary Parks, a temporary employee who worked in the mailroom at Carlton Fields, P.A. on July 10, 2006, as well as, a copy of an advertisement of the USPS. Based on the previously submitted evidence and this additional evidence, petitioner requests relief under 37 CFR 1.10(d).

Pursuant to 37 CFR 1.10(a), the date of deposit with the United States Postal Service (USPS) is shown by the "date in" on the "Express Mail" label or other official USPS notation. To date, petitioner has failed to provide an "Express Mail" label or other official USPS notation showing

the requested filing date of July 10, 2006. Petitioner states that the mailing label has not been returned to the applicant by the Postal Office.

Petitioner provides a USPS Track and Confirm record. However, the record only shows that the Express Mail mailing arrived in Dulles VA (and was delivered in Alexandria – the location of the USPTO) on July 12, 2006. The record does not show that the Express Mail mailing was accepted by the USPS on July 10, 2006, and as such, does not corroborate petitioner's claim of deposit on that date.

Moreover, petitioner submits a USPS advertisement showing that the USPS does not offer same-day mail service. Therefore, petitioner argues the Express Mail mailing had to be processed in Atlanta GA by the USPS, at the least, on or before July 11, 2006. This argument is not persuasive. There is no dispute that the application papers presently accorded a filing date of July 12, 2006, were received in the Office on July 12, 2006. Such papers are entitled to a filing date of July 12, 2006, unless it can be shown that the papers were filed on an earlier date in compliance with 37 CFR 1.10(a). The question then is whether petitioner has complied with the provisions of 37 CFR 1.10. Whether the USPS offers same-day mail service does not answer this question. Petitioner is not relieved of the requirement to make the required showing of entitlement to the benefit of 37 CFR 1.10.

To show entitlement to a date of deposit of July 10, 2006, petitioner has submitted a copy of their return postcard on which they listed the date of filing as July 10, 2006. Further, by declaration of Lucille Golden-Blakey, petitioner submits evidence that the application in an Express Mail Envelope was deposited in the Carlton Field's mail stop, before the last scheduled pickup. In corroboration of Ms. Golden-Blakey's declaration, petitioner submits a page from a mail log. The entry therein is directed to the date and time of depositing of the Express Mail in Carlton Field's office mail stop. Further, by declaration of Sandra Boyd, the mailroom supervisor at Carlton Field's office, petitioner submits evidence intended to show that "as the normal course of business, either myself or a staff member pick up correspondence deposited in our mail stop and deliver them to the nearby U.S. Post Office before the last scheduled pickup." In her declaration, Ms. Parks, a temporary employee working in counsel's mailroom on that day, states that "while she was instructed to get a receipt for "each" envelope mailed on that date, she placed "it" into the Express Mail receiving box at the Atlanta Midtown Post Office prior to 5pm on July 10, 2006. Petitioner has not submitted a mail log prepared within one business day corroborating that Ms. Boyd or Ms. Parks' deposited the Express Mail in the USPS Post Office to Addressee service prior to the last scheduled pickup for the day.

The postcard merely evidences petitioner's intent to deposit the application in Express Mail on July 10, 2006. Further, as stated in previous decisions, the evidence, in particular in the form of the mail log, is directed to showing that the Express Mail mailing was dropped off at the Carlton Fields mail room prior to the last scheduled pickup, not to the USPS prior to the last scheduled pickup. This is not a sufficient showing. The reason the Office considers correspondence to have been filed as of the date of deposit as "Express Mail" is that this date has been verified by a disinterested USPS employee, through the insertion of a "date-in," or other official USPS

notation, on the "Express Mail" mailing label. Due to the questionable reliability of evidence from a party other than the USPS that did not come into being contemporaneously with the deposit of the correspondence with the USPS, 37 CFR 1.10(d) specifically requires that any petition under 37 CFR 1.10(d) be corroborated either by evidence from the USPS, or by evidence that came into being after deposit and within one business day after the deposit of the correspondence as "Express Mail."

Accordingly, the drop-off of papers at the Carlton Fields mail room does not meet the standard required to comply with 37 CFR 1.10. Moreover, Ms. Parks' declaration is not persuasive. It is noted that the declaration of Ms. Parks is dated more than ten months after the correspondence was purportedly deposited as "Express Mail" in the USPS. Her recall of routine events is not more persuasive than the evidence of record which does not overcome a conclusion that applicants failed to comply with the requirements of 37 CFR 1.10 for entitlement to a filing date of July 10, 2006. Further her declaration is not corroborated by evidence from the USPS or by evidence that came into being after deposit and within one business day after the deposit, such as a log book with her initials as the depositor with the USPS and the date and time of deposit of the Express Mail package with the USPS.

Petitioner's arguments and evidence have been considered, and it is concluded that petitioner has not established to the satisfaction of the Director that the requested filing date, July 10, 2006, was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Accordingly, the application is properly accorded a filing date of July 12, 2006.

The application is being returned to Technology Center Art Unit 3714 with the presently accorded filing date of July 12, 2006.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3219.


Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

LAHIVE & COCKFIELD, LLP
ONE POST OFFICE SQUARE
BOSTON MA 02109-2127

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JUN 04 2007

OFFICE OF PETITIONS

In re Application of :
Yisrael Shuchman et al. :
Application No. 11/484,942 :
Filed: July 12, 2006 :
Attorney Docket No. IMU-001CPCN2 :
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 21, 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 Yisrael Shuchman declaring that he is 65 years of age older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3734 for action on the merits commensurate with this decision.

Terri Williams
Terri Williams
Petitions Examiner
Office of Petitions



LAHIVE & COCKFIELD, LLP
ONE POST OFFICE SQUARE
BOSTON MA 02109-2127

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JUL 13 2007

OFFICE OF PETITIONS

In re Application of :
Eliezer Be-eri et al :
Application No. 11/484,942 : DECISION ON PETITION
Filed: July 12, 2006 : UNDER 37 CFR 1.55(c)
Attorney Docket No. IMU-001CPCN2 :

This is a decision on the petition under 37 CFR 1.55(c), filed February 13, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of priority to the filing date of foreign Israel Patent Application No.145461, filed September 16, 2001.

The petition is **DISMISSED**.

This application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

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, **and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6))**;
- (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 Director

- may require additional information where there is a question whether the delay was unintentional); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

Petitioner should be aware that it is not appropriate to include the foreign application data in the first sentence of the specification on page one following the title. The foreign application data should **only** be included in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6)). Additionally, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed foreign application.

Any future petition should include a cover letter and be entitled "Renewed Petition under 37 CFR 1.55(c)."

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
Petitions Examiner
Office of Petitions



**LAHIVE & COCKFIELD, LLP
ONE POST OFFICE SQUARE
BOSTON MA 02109-2127**

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APR 14 2008
OFFICE OF PETITIONS**

In re Application of :
Eliezer Be-Eri et al :
Application No. 11/484,942 : DECISION ON PETITION
Filed: July 12, 2006 : UNDER 37 CFR 1.55(c)
Attorney Docket No. IMU-001CPCN2 :

This is a decision on the renewed petition under 37 CFR 1.55(c), filed August 10, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to foreign Israel Application No.145461, filed September 16, 2001.

The petition is **GRANTED**.

This pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

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 and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (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 Director may require additional information where there is a question whether the delay was unintentional); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

This application was filed on July 12, 2006, which is after November 29, 2000 and intermediate Application Nos. 09/975,943 and 10/211,544 were filed within 12 months of September 16, 2001 (the filing date of the foreign application to which benefit is now being claimed). On August 10, 2007, an Supplemental Application Data Sheet was received which identifies the foreign application for which priority is claimed by application number, country and filing date. The required petition fee of \$1,370 was previously received with the petition on February 13, 2007. Lastly, petitioner has provided an adequate statement of unintentional delay.

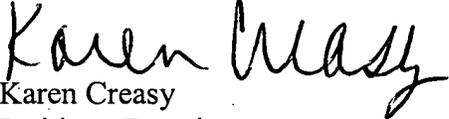
All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(a)-(d) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.55(c) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 119(a)-(d) and 37 CFR 1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed foreign application, accompanies this decision on petition.

This application is being referred to Technology Center AU 3734 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d).

Any inquiries directly pertaining to this matter may be directed to the undersigned at (571) 272-3208.


Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Values: 11/484,942, 07/12/2006, 3734, 565, IMU-001CPCN2, 6, 1

CONFIRMATION NO. 2497

CORRECTED FILING RECEIPT



959
LAHIVE & COCKFIELD, LLP
ONE POST OFFICE SQUARE
BOSTON, MA 02109-2127

Date Mailed: 04/11/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Eliezer Be-Eri, Jerusalem, ISRAEL;
Yisrael Shuchman, Jerusalem, ISRAEL;

Power of Attorney: The patent practitioners associated with Customer Number 00959

Domestic Priority data as claimed by applicant

This application is a CON of 10/211,544 08/05/2002 PAT 7,096,866
which is a CIP of 09/975,943 10/15/2001 ABN

Foreign Applications

ISRAEL 145461 09/16/2001

If Required, Foreign Filing License Granted: 08/03/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/484,942

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Inexsufflator

Preliminary Class

128

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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RESTON VA 20191

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AUG 15 2008

OFFICE OF PETITIONS

In re Application of :
Swift, Lawrence W. :
Application No. 11/484,945 :
Filed: July 12, 2006 :
Attorney Docket No. 1061-002 :

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 4, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center 2128 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**CRAIG W. RODDY
HALLIBURTON ENERGY SERVICES
P.O. BOX 1431
DUNCAN OK 73536-0440**

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OCT 13 2006

OFFICE OF PETITIONS

In re Application of	:	
RODDY , et al.	:	
Application No. 11/484,951	:	DECISION ON PETITION
Filed: July 12, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 2005-IP-017636U1P3	:	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 an affidavit from inventor Jiten Chatterji, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at 571-272-7253.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3676 for action on the merits commensurate with this decision.



David Bucci
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
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WHYTE HIRSCHBOECK DUDEK S.C.
555 EAST WELLS STREET
SUITE 1900
MILWAUKEE WI 53202

COPY MAILED

SEP 25 2007

OFFICE OF PETITIONS

In re Application of :
Nishant SINHA and Dinesh CHOPRA :
Application No. 11/484,957 : DECISION ON PETITION
Filed: July 12, 2006 :
Attorney Docket No. :
MT1-31044-A-A :

This is a decision on the petition under 37 CFR 1.182, filed April 13, 2007, to change the order of the named inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

The fee for a petition under 37 CFR 1.182 is \$130. Accordingly, as authorized, the \$400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

This application is currently before Technology Center AU 1765 for appropriate action on the reply received August 10, 2007

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3218.



Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt


UNITED STATES PATENT AND TRADEMARK OFFICE

 UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
11/484,957	07/12/2006	1765	5050	MTI-31044-A-A	37	19

CONFIRMATION NO. 1616

 31870
 WHYTE HIRSCHBOECK DUDEK S.C.
 555 EAST WELLS STREET
 SUITE 1900
 MILWAUKEE, WI 53202

CORRECTED FILING RECEIPT


OC000000025990964

Date Mailed: 09/25/2007

Receipt is acknowledged of this nonprovisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

 Nishant Sinha, Boise, ID;
 Dinesh Chopra, Boise, ID;

Assignment For Published Patent Application

Micron Technology, Inc., Boise, ID

Power of Attorney:

Gary Plotecher--27830	Alan Wagner--45188
Michael Lynch--30871	Thomas Pienkos--46992
Kristine Strodthoff--34259	
Charles Brantley II--38086	
Alexander Kuszewski--41920	

Domestic Priority data as claimed by applicant

 This application is a DIV of 10/326,651 12/19/2002 PAT 7,118,686
 which is a CON of 09/653,392 08/31/2000 PAT 6,551,935

Foreign Applications

If Required, Foreign Filing License Granted: 08/02/2006

 The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/484,957**.

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Slurry for use in polishing semiconductor device conductive structures that include copper and tungsten and polishing methods

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).



WHYTE HIRSCHBOECK DUDEK S.C.
INTELLECTUAL PROPERTY DEPARTMENT
555 EAST WELLS STREET, SUITE 1900
MILWAUKEE, WI 53202

MAILED

MAR 17 2009

OFFICE OF PETITIONS

In re Application of :
Nishant SINHA, et al :
Application No. 11/484,957 :
Filed: July 12, 2006 :
Attorney Docket No. MTI-31044-A-A :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 6, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of July 23, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is October 24, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1620; and (3) the required statement of unintentional delay have been received.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

This application is being referred to Technology Center AU 1792 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

A handwritten signature in black ink, appearing to read "Thurman Page", with a stylized flourish extending to the right.

Thurman Page
Petitions Examiner
Office of Petitions

RAM Fee History
Query
Revenue Accounting and Management

Name/Number: 11484957

Total Records Found: 13

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
02/06/2009	00010473	<u>4</u>	<u>1453</u>	\$1,620.00	02/06/2009	DA 232053
02/06/2009	00010474	<u>4</u>	<u>1253</u>	\$980.00	02/06/2009	DA 232053
02/06/2009	00010475	<u>4</u>	<u>1801</u>	\$810.00	02/06/2009	DA 232053
11/25/2008	00011307	<u>4</u>	<u>1251</u>	\$130.00	11/24/2008	DA 232053
09/25/2007	00000003	<u>1</u>	<u>1462</u>	\$400.00	04/13/2007	DA 232053
08/13/2007	00000261	<u>4</u>	<u>1814</u>	\$130.00	08/10/2007	DA 232053
08/13/2007	00000262	<u>4</u>	<u>1251</u>	\$120.00	08/10/2007	DA 232053
07/18/2007	00011573	<u>4</u>	<u>1806</u>	\$180.00	07/18/2007	DA 232053
07/14/2006	00000132	<u>1</u>	<u>1011</u>	\$300.00	07/12/2006	CK
07/14/2006	00000133	<u>1</u>	<u>1111</u>	\$500.00	07/12/2006	CK
07/14/2006	00000134	<u>1</u>	<u>1311</u>	\$200.00	07/12/2006	CK
07/14/2006	00000135	<u>1</u>	<u>1201</u>	\$3,200.00	07/12/2006	CK
07/14/2006	00000136	<u>1</u>	<u>1202</u>	\$850.00	07/12/2006	CK

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)
MTI-31044-A-A

First named inventor: Nishant Sinha

Application No.: 11/484,957

Art Unit: 1792

Filed: July 12, 2006

Examiner: Binh X. Tran

Title: Slurry for Use in Polishing Semiconductor Device Conductive Structures that Include Copper and Tungsten and Polishing Methods

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- Other than small entity - fee \$ 1,620.00 (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 RCE and Response (identify type of reply):

- has been filed previously on _____.
- is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- has been paid previously on _____.
- is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Kristine M. Strodthoff
Signature

February 6, 2009

Date

Kristine M. Strodthoff

Typed or printed name

34259

Registration Number, if applicable

555 East Wells Street, Suite 1900

Address

414-273-2100

Telephone Number

Milwaukee, Wisconsin 53202

Address

Enclosures: Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: RCE**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

February 6, 2009

Date

Jere L. Polmatier
Signature

Jere L. Polmatier

Typed or printed name of person signing certificate



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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WHYTE HIRSCHBOECK DUDEK S.C.
INTELLECTUAL PROPERTY DEPARTMENT
555 EAST WELLS STREET, SUITE 1900
MILWAUKEE, WI 53202

Mail Date: 04/20/2010

Applicant	: Nishant Sinha	: DECISION ON REQUEST FOR
Patent Number	: 7662719	: RECALCULATION OF PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/484,957	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/12/2006	: 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
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

Mail Date: 04/21/2010

Applicant : Stanislaus S. Wong : DECISION ON REQUEST FOR
Patent Number : 7670510 : RECALCULATION of PATENT
Issue Date : 03/02/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/484,960 : OF WYETH
Filed : 07/12/2006 :
:
:

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.



THE PROCTER & GAMBLE COMPANY
GLOBAL LEGAL DEPARTMENT – IP
SYCAMORE BUILDING – 4TH FLOOR
299 EAST SIXTH STREET
CINCINNATI, OH 45202

MAILED

JUN 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Marco Digiakonantonio, et al.	:	
Application No. 11/484,963	:	DECISION ON PETITION
Filed: July 12, 2006	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 10136M	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed May 5, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to April M. Wise at (571) 272-1642. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 3761 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/484,963, 07/12/2006, 3761, 1000, 10136M, 19, 3

CONFIRMATION NO. 1614

CORRECTED FILING RECEIPT



27752
THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

Date Mailed: 06/07/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Marco Digiacomantonio, Pescara, ITALY;
Giovanni Carlucci, Chieti, ITALY;

Assignment For Published Patent Application

The Procter & Gamble Company

Power of Attorney: The patent practitioners associated with Customer Number 27752

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/715,510 09/09/2005

Foreign Applications

If Required, Foreign Filing License Granted: 08/02/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/484,963

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

ABSORBENT ARTICLE HAVING FLAP ACTIVATION

Preliminary Class

604

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : August 26, 2009

Paper No.: _____

TO SPE OF : ART UNIT 3644

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/484972 /7516716

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Inventorship

Please review the requested changes/corrections as shown in the COCIN document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code COCX.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580**

Magdalene Talley

Certificates of Correction Branch

703-308-9390 ext. 120

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: Certificate of Correction denied, because no petition under 37 CFR 1.324 has been

filed to change the inventorship of this patent.

/Michael R. Mansen/

3644

SPE

Art Unit



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Date Mailed : March 4, 2010

Serial no. : 11/484,972
Patent No. : 7,516,716 B2
Patent Issued : April 14, 2009
Inventor(s) : Betsy Puckett, et al.
Title : BIRD FEEDER

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..

Respecting the alleged error noted in your request, certificate of correction denied, because no petition under 37 CFR 1.324 has been filed to change the inventorship of this patent.

In view of the foregoing your request is hereby denied.

Magdalene Talley
For Mary F. Diggs, Supervisor
Decision and Certificate
Of Correction Branch
(571)272-0423

David M. Driscoll
321 South Main Street
Providence, RI 02903-7128

MD/mt



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Table with 8 columns: APPL NO., FILING OR 371 (c) DATE, ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, DRAWINGS, TOT CLMS, IND CLMS. Row 1: 11/484,977, 07/12/2006, 2628, 1000, 33849-91, 17, 11, 2

CONFIRMATION NO. 1701

30903
CRAIN, CATON & JAMES
FIVE HOUSTON CENTER
1401 MCKINNEY, 17TH FLOOR
HOUSTON, TX 77010

CORRECTED FILING RECEIPT



OC000000020282746

Date Mailed: 09/01/2006

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)

Mark Acosta, Houston, TX;
Yin Cheung, Sugar Land, TX;
Jack Lees, Houston, TX;
Charles Sembroski, Katy, TX;
Michael Zeitlin, Houston, TX;

Power of Attorney: The patent practitioners associated with Customer Number 30903.

Domestic Priority data as claimed by applicant

This application is a CON of 11/056,823 02/12/2005 PAT 7,098,908
which is a CON of 09/936,682 09/17/2001 PAT 7,006,085
which is a CON of PCT/US00/29835 10/30/2000

Foreign Applications

If Required, Foreign Filing License Granted: 08/09/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/484,977

Projected Publication Date: 12/14/2006

Non-Publication Request: No

Early Publication Request: No

Title

System and method for analyzing and imaging three-dimensional volume data sets

Preliminary Class

345

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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NOT GRANTED

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CRAIN, CATON & JAMES
FIVE HOUSTON CENTER
1401 MCKINNEY, 17TH FLOOR
HOUSTON TX 77010

JAN 26 2007
DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of: :
Mark ACOSTA, et al. :
Serial No.: 11/484,977 :
Filed: July 12, 2006 :
Attorney Docket Number: 33849-91 :
Title: **SYSTEM AND METHOD FOR** :
ANALYZING AND IMAGING THREE- :
DIMENSIONAL VOLUME DATA SETS :

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 30, 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:

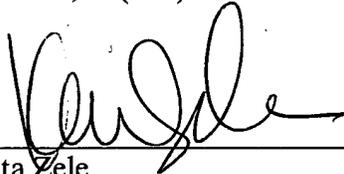
1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that 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 it was not filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; and because the petition was not filed together with the application on or after August 25, 2006.

For the above-stated reasons, the petition is denied.

A review of the file finds that a non-final Office action was mailed on October 6, 2006 and a response was received on December 13, 2006. Therefore, the file will be taken up by the examiner in its regular turn.

Any inquiry regarding this decision should be directed to Krista Zele, Quality Assurance Specialist, at (571) 272-7288.



Krista Zele
Quality Assurance Specialist
Technology Center 2600
Communications



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/484,978 07/11/2006 Kevin T. Hamer MI22-3329 1703

7590 12/13/2007
WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

EXAMINER

CHEN, BRET P

ART UNIT PAPER NUMBER

1792

MAIL DATE DELIVERY MODE

12/13/2007

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Signature: Kaletta L...
Patent Publication Branch
Office of Data Management

Adjustment date: 12/13/2007 K KING1
07/14/2006 MBERHE 00000102 11484978
02 FC:1111 -500.00 DP
04 FC:1202 -700.00 DP

Repln. Ref: 12/13/2007 K KING1 0015065700
DAH:230925 Name/Number:11484978
FC: 9204 \$1200.00 CR



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FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK NY 10103-3198

COPY MAILED
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OFFICE OF PETITIONS

In re Application of	:	
HYNES, et al.	:	
Application No. 11/484,984	:	DECISION ON PETITION
Filed: July 11, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. NY-ABH 261-US1 (10608386)	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 11, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes the passport of Salvatore D'Amato, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at 571-272-7253.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2836 for action on the merits commensurate with this decision.



David Bucchi
Petitions Examiner
Office of Petitions



CHALKER FLORES, LLP
2711 LBJ FRWY
Suite 1036
DALLAS, TX 75234

COPY MAILED

OCT 16 2007

OFFICE OF PETITIONS

In re Application of Wilder et al. :
Application No. 11/485,001 : Decision on Petition
Filing Date: July 12, 2006 :
Attorney Docket No. WILD:1001 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 26, 2007, to revive the above-identified application.

The petition is **granted**.

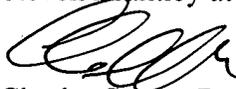
The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment mailed January 8, 2007, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on February 9, 2007. A Notice of Abandonment was mailed June 1, 2007.

The instant petition requests revival of the application.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner has submitted the required petition fee of \$750. Petitioner has submitted a reply to the in the form of a new amendment. 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.

Technology Center Art Unit 3676 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



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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/485002	07/12/2006	Guy Perry	MTI-31471-A-A

31870
Whyte Hirschboeck Dudek S.C.
555 East Wells Street
Suite 1900
Milwaukee, WI 53202

DATE MAILED: October 16, 2007

DECISION GRANTING PETITION UNDER 37 CFR 1.138
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d) filed on July 12, 2006 requesting for a refund any previously paid search fee and excess claims fee in the above-identified application, and the petition under 37 CFR 1.138(c) filed on April 16, 2007, for express abandonment to avoid publication of the above-identified application.

The petitions are granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded. The application has been withdrawn from publication. A notice of abandonment will be mailed in due course.

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

571-272-4200

Pre-Grant Publication Division



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,002	07/12/2006	Guy Perry	MTI-31471-A-A	1767
31870	7590	09/17/2007	EXAMINER	
WHYTE HIRSCHBOECK DUDEK S.C. 555 EAST WELLS STREET SUITE 1900 MILWAUKEE, WI 53202			KARLSEN, ERNEST F	
			ART UNIT	PAPER NUMBER
			2829	
			NOTIFICATION DATE	DELIVERY MODE
			09/17/2007	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):

jpomatier@whdlaw.com

Notice of Abandonment	Application No.	Applicant(s)	
	11/485,002	PERRY, GUY	
	Examiner	Art Unit	
	Karlsen, Ernest F	2829	

-- 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.

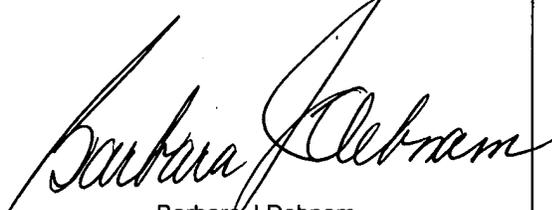
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration 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:



Barbara J Debnam
 Management & Program
 Analyst Art Unit: 3900

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.

PTO/SB/24B (04-07)

Approved for use through 09/30/2007. 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 EXPRESS ABANDONMENT TO OBTAIN A REFUND

Fax the petition directly to the Pre-Grant Publication Division at (703) 305-8568 Or Mail the petition to: Mail Stop Express Abandonment Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	11/485,002
Filing Date	07/12/2006
First Named Inventor	Guy Perry
Art Unit	3729
Examiner Name	
Attorney Docket Number	MTI-31471-A-A

Petition for Express Abandonment Under 37 CFR 1.138(d) to Obtain a Refund

I hereby petition to expressly abandon the above-identified application to obtain a refund of any previously paid search fee and excess claims fee in the application. Please refund any search fee and excess claims fee paid in this application.

The Director is hereby authorized to credit the fee(s) to Deposit Account No. 232053

NOTE: The provisions of 37 CFR 1.138(d) only apply to applications filed under 35 U.S.C. 111(a) on or after December 8, 2004. A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01.

TO AVOID PUBLICATION, INCLUDE FORM PTO/SB/24A AND PETITION FEE WITH THIS FORM.

- I am the:
- applicant.
 - assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
 - attorney or agent of record. Attorney or agent registration number is 34259.
 - attorney or agent acting under 37 CFR 1.34, who is authorized under 37 CFR 1.138(b) because the application is expressly abandoned in favor of a continuing application. Attorney or agent registration number is _____.

Adjustment date: 09/07/2007
07/14/2006 HBERHE 00000064
02 FC:1111
04 FC:1202
05 FC:1201
KINGSL
11485002
-509.00
-509.00
-3800.00

Kristine M Strodthoff
Signature

Kristine M. Strodthoff
Typed or printed name

RECEIVED
USPTO-PG-PUBS
AUG 30 2007

August 29, 2007
Date
414-273-2100
Telephone Number

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.
 Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.138(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 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: Mail Stop Express Abandonment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO 9199 and select option 2.



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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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JUN 25 2007

OFFICE OF PETITIONS

WHYTE HIRSCHBOECK DUDEK S.C.
555 EAST WELLS STREET
SUITE 1900
MILWAUKEE WI 53202

In re Application of :
Sinha, et al. :
Application No. 11/485,003 : DECISION ON PETITION
Filed: July 12, 2006 :
Attorney Docket No. MTI-31044- :
A-B :

This is a decision on the petition under 37 CFR 1.182, filed April 13, 2007, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

As authorized, the \$400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

This application is being referred to Technology Center AU 1763 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
11/485,003	07/12/2006	1763	4100	MTI-31044-A-B	30	16

CONFIRMATION NO. 1766

31870
WHYTE HIRSCHBOECK DUDEK S.C.
555 EAST WELLS STREET
SUITE 1900
MILWAUKEE, WI 53202

CORRECTED FILING RECEIPT



OC000000024493093

Date Mailed: 06/22/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Nishant Sinha, Boise, ID;
Dinesh Chopra, Boise, ID;

Assignment For Published Patent Application

Micron Technology, Inc., Boise, ID

Power of Attorney:

Gary Plotecher--27830 Alan Wagner--45188
Michael Lynch--30871 Thomas Pienkos--46992
Kristine Strodthoff--34259
Charles Brantley II--38086
Alexander Kuszewski--41920

Domestic Priority data as claimed by applicant

This application is a DIV of 10/326,651 12/19/2002 PAT 7,118,686
which is a CON of 09/653,392 08/31/2000 PAT 6,551,935

Foreign Applications

If Required, Foreign Filing License Granted: 08/02/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/485,003**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Slurry for use in polishing semiconductor device conductive structures that include copper and tungsten and polishing methods

Preliminary Class

156

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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Knobbe, Martens, Olson & Bear LLP
2040 Main Street
14th Floor
Irvine, CA 92614

Mail Date: 04/21/2010

Applicant	: Matthias Bauer	: DECISION ON REQUEST FOR
Patent Number	: 7648853	: RECALCULATION OF PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/485,047	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **439** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 CORPORATION
c/o CPA Global
P.O. BOX 52050
MINNEAPOLIS, MN 55402

Mail Date: 04/21/2010

Applicant	: Jeffrey R. Watson	: DECISION ON REQUEST FOR
Patent Number	: 7588965	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/485,052	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **95** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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MAR 06 2007

OFFICE OF PETITIONS

TRELLIS INTELLECTUAL PROPERTY LAW GROUP, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO, CA 94303

In re Application of	:	
Nicholas F. Pasch	:	
Application No. 11/485,060	:	DECISION ON PETITION
Filed: July 11, 2006	:	TO WITHDRAW
Attorney Docket No. 100115-001310US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed October 24, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, “[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]” More specifically, 37 CFR 10.40 states, “[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is” for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, “termination of services”, 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
Revisions Examiner
Office of Petitions

cc: MITCHELL AND CULP, PLLC
ATTEN: RICHARD M. MITCHELL, ESQ.
1001 MOREHEAD SQUARE DRIVE
SUITE 330
CHARLOTTE, NC 28203-4268



TRELLIS INTELLECTUAL PROPERTY
LAW GROUP, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO CA 94303

COPY MAILED

AUG 09 2007

In re Application of
Nicholas F. Pasch
Application No. 11/485,060
Filed: July 11, 2006
Attorney Docket No. 100115-001310US

OFFICE OF PETITIONS

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed March 29, 2007.

The request is **APPROVED**.

A review of the file record indicates that Trellis Intellectual Property Law Group, PLLC: (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, Trellis Intellectual Property Law Group, PLLC 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).

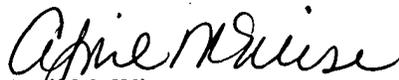
The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) the intervening assignee of the entire interest. All future communications from the Office will be directed to the first named signing inventor under 37 C.F.R. §3.71 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).

Applicant is reminded that there is no attorney of record at this time.

There are no pending Office actions at the present time.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.



April M. Wise
Petitions Examiner
Office of Petitions

cc: NICHOLAS F. PASCH
1470 DE SOLO DRIVE
PACIFICA, CA 94044-4004

cc: RICHARD M. MITCHELL, ESQ.
MITCHELL & CULP, PLLC
1001 MOREHEAD SQUARE DRIVE
SUITE 330
CHARLOTTE, NC 28203-4268


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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/485,060	07/11/2006	Nicholas F. Pasch	100115-001310US

37490
 Trellis Intellectual Property Law Group, PC
 1900 EMBARCADERO ROAD
 SUITE 109
 PALO ALTO, CA 94303

CONFIRMATION NO. 1175


OC000000025254824

Date Mailed: 08/08/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/29/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
 FORMER ATTORNEY/AGENT COPY

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20080303

DATE : March 03, 2008

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction on Patent No.: 7,253,174

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

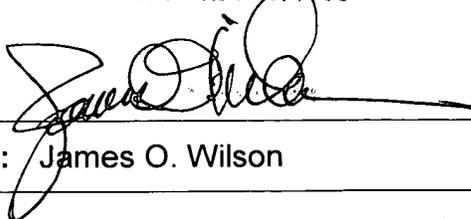
State the reasons for denial below.

Comments:

Only the correction to claim 1, column 122, line 59 (i.e., insertion of "W" before 'is selected from') should be made, which is the only correction approved.

The remaining listed changes of claims 6, 7, 8 and column 126, line 42 do not apply as the claims are numbered properly. The remaining requested changes should not be made as these claims were renumbered at the time of allowance (37 CFR 1.126).

JAMES O. WILSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600



SPE: James O. Wilson

Art Unit 1624

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20080303

DATE : March 03, 2008

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction on Patent No.: 7,253,174

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:

Only the correction to claim 1, column 122, line 59 (i.e., insertion of "W" before 'is selected from') should be made, which is the only correction approved.

The remaining listed changes of claims 6, 7, 8 and column 126, line 42 do not apply as the claims are numbered properly. The remaining requested changes should not be made as these claims were renumbered at the time of allowance (37 CFR 1.126).



SPE: James O. Wilson

Art Unit 1624



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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE, SUITE 100
SAN DIEGO, CA 92130-2040

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SEP 26 2007

OFFICE OF PETITIONS

In re Application of :
MEI, Shijin :
Application No. 11/485,085 : **DECISION ON PETITION**
Filed: July 12, 2006 : **TO WITHDRAW**
Attorney Docket No. **MGNC-170** : **FROM RECORD**
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 7, 2007.

The request is **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 25, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

CC: **INTELLECTUAL PROPERTY LAW OFFICE OF JOEL VOELZKE**
24772 SADDLE PEAK ROAD
MALIBU, CA 90265



UNITED STATES PATENT AND TRADEMARK OFFICE

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CRAIN, CATON & JAMES
FIVE HOUSTON CENTER
1401 MCKINNEY, 17TH FLOOR
HOUSTON TX 77010

MAIL

NOV 29 2006

**DIRECTOR OFFICE
TECHNOLOGY CENTER 2600**

In re Application of:	:	
ACOSTA, MARK, et al.	:	DECISION ON PETITION TO
Serial No.: 11/485,104	:	MAKE SPECIAL FOR NEW
Filed: July 12, 2006	:	APPLICATION UNDER 37
Title: SYSTEM AND METHOD FOR	:	C.F.R. § 1.102 & M.P.E.P. §
ANALYZING AND IMAGING THREE-	:	708.02
DIMENSIONAL VOLUME DATA SETS	:	

This is a decision on the petition filed on October 30, 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) and effective August 25, 2006, 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) at least 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.

For the above-stated reason, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.



Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications



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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

CRAIN, CATON & JAMES
FIVE HOUSTON CENTER
1401 MCKINNEY, 17TH FLOOR
HOUSTON TX 77010

In re Application of
ACOSTA, MARK, et al.
Appl. No.: 11/485,104
Filed: July, 12, 2006
For: **SYSTEM AND METHOD FOR ANALYZING
AND IMAGING THREE-DIMENSIONAL VOLUME
DATA SETS**

**DECISION ON PETITION
UNDER 37 CFR 1.59**

This is a decision on the petition filed October 8, 2008, to expunge information from the above identified application pursuant to 37 CFR 1.59(b).

The petition is **Granted**.

Petitioner requests that items listed in the Third Supplemental Information Disclosure Statement filed October 8, 2008 be expunged from the record. Petitioner states that the information submitted is trade secret material and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17 has been paid.

Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application.

The expunged material has been closed from the electronic file.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications



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JUN 14 2007

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KRISTA WEBER POWELL
TRASKBRITT, PC
P. O. BOX 2550
SALT LAKE CITY, UT 84110-2550

In re Application of :
Frits J. Fallaux et al :
Serial No.: 11/485,114 : SUSPENSION OF ACTION
Filed: July 12, 2006 :
Attorney Docket No.: 2578.3833.11 :

This is in reply to the petition under 37 CFR 1.103 to suspend action on this application at applicant's request for a period of six months, filed May 17, 2007.

§ 1.103 Suspension of action by the Office.

- (a) Suspension for cause . On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:
 - (1) A showing of good and sufficient cause for suspension of action; and
 - (2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office.

Applicants' petition requests suspension of action since the only remaining issue is a series of Obvious Double Patenting rejections which rejections are being pursued in companion SN 10/618,526 in an appeal. Applicants' statement with regard to the issues remaining is correct. However, a review of the '526 application shows that a Notice of Appeal was filed May 14, 2007, essentially concurrently with this petition. There is no evidence that an Appeal Brief has been or will be filed. Nor would it be expected that prosecution in the '526 application before the BPAI would be concluded within the six month period of suspension requested. In view of this and applicants' potential remedy of filing terminal disclaimers to obviate the obvious double patenting rejections, suspension of action does not appear to be warranted at this time.

In view of the above reasons the petition is **DENIED**.

The application will be forwarded to the examiner for further consideration.

Should there be any questions with respect to this action, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, P. O. BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at the Office general facsimile number, 571-273-8300.



Christopher Low
Director, Technology Center 1600
(Acting)



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JENNINGS, STROUSS & SALMON, P.L.C.
201 E. WASHINGTON ST., 11TH FLOOR
PHOENIX AZ 85004

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SEP - 8 2006

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
HARRIS, MICHAEL D., et al :
Serial No.: 11/485,117 :
Filed: July 11, 2006 : DECISION ON PETITION
For: CHROMA-PHOTON STAINING : ACCEPTANCE OF COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed, July 11, 2006, requesting acceptance of color drawings.

The petition requests that the color drawings identified in figures 1, 2A, 2B, and 3 - 8, be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3(three) set of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is **GRANTED**.

Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications



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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO, IL 60604

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OFFICE OF PETITIONS

In re Application of :
Younghy Jung, et al. :
Application No.: 11/485,119 : **ON PETITION**
Filed: July 12, 2006 :
Attorney Docket No.: CU-4858 WWP :

This is a decision on the petition, filed November 11, 2008, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 24, 2008, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2814 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B - Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



**HERBERT BURKARD
C/O FINESSE LLC
3350 SCOTT BOULEVARD, BUILDING 1
SANTA CLARA CA 95054**

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MAR 06 2008

OFFICE OF PETITIONS

In re Application of :
Alfred Riddle :
Application No. 11/485,129 : **DECISION GRANTING PETITION**
Filed: July 12, 2006 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. FIN-102 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 5, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 15, 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 2856 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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SIMPSON & SIMPSON
5555 MAIN STREET
WILLIAMSVILLE NY 14221

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In re Application of :
Davide Pieretto et al :
Application No. 11/485,141 : DECISION ON PETITION
Filed: July 12, 2006 :
Attorney Docket No. NTAP:107US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 14, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment/election; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Restriction Requirement mailed April 24, 2008, is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Therefore, no extension fee was charged as the fee is unnecessary in this instance.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3643 for appropriate action by the Examiner in the normal course of business on the reply received November 14, 2008.

Karen Creasy
Petitions Examiner
Office of Petitions



BEYER WEAVER LLP
P.O. BOX 70250
OAKLAND CA 94612-0250

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OFFICE OF PETITIONS

In re Application of
Anthony M. Fadell
Application No. 11/485,142
Filed: July 11, 2006
Attorney Docket No. APL1P478/P4218US1

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 11, 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 customer number 62464 was not used to appoint the attorney/agent of record. Customer number 22434 has to be used to withdraw the practitioners.

Also, the Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, “[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]” More specifically, 37 CFR 10.40 states, “[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is” for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, *transfer to new counsel*, 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: **TECHNOLOGY & INNOVATION LAW GROUP, PC**
ATTN: 101
19200 STEVENS CREEK BLVD., SUITE 240
CUPERTINO, CA 95014



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Paper No.

COLEMAN SUDOL SAPONE, P.C.
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BRIDGEPORT CT 06605-1601

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FEB 08 2007

OFFICE OF PETITIONS

In re Application of :
Bong-wan Kim :
Application No. 11/485,156 : ON PETITION
Filed: July 12, 2006 :
Attorney Docket No. Y06-227 :

This is a decision on the PETITION under Section 1.182 filed September 14, 2006, requesting entry of Figure 6 in the above-identified application and that the application retain a filing date of July 12, 2006. Alternatively, applicants request that if the petition is denied that the application including Figure 6 be given the same filing date as the date of the submission.

For the reasons set forth below, the petition is **DISMISSED** with respect to being accorded a filing date of July 12, 2006 with figure 6 entered and with respect to being accorded a filing date of September 14, 2006, the date of submission of figure 6.

Any request for reconsideration should be filed within **TWO (2) MONTHS** of the date of this decision to be considered timely. See 37 CFR 1.181(f). The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.182." Extensions of time under the provisions of § 1.136(a) are not permitted.

The application was deposited on July 12, 2006. However, on August 3, 2006, the Office mailed a "Notice to File Missing Parts of Application" stating *inter alia* that the application had been accorded a filing date; however, Figure 6 described in the specification appeared to have been omitted.

In response, the present petition was filed requesting, in effect, that the application be amended to include the drawing

of Figure 6 described in the specification. Petitioner argues that Figure 6 constitutes only prior art, and as such forms no part of the claimed invention. Petitioner argues that because Figure 6 is only prior art (as described in the Description of Related Art and Brief Description of the Drawings sections of the specification), it does not contain new matter that would require the setting of a new filing date.

The mailing of a Notice that an item appears to have been omitted from an application permits the applicant to: (1) promptly petition for the date of deposit by filing a petition under 37 CFR 1.53(e), asserting that the omitted item was in fact deposited in the Office, along with evidence of such deposit (e.g., a date-stamped itemized postcard receipt) and the petition fee; or (2) promptly petition for a later filing date by filing the omitted item, along with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such item, a petition under 37 CFR 1.182 and the petition fee requesting the date of such submission as the application filing date¹. 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)).

In this case, petitioner does not assert that the missing drawing figure was present in the application on filing. Petitioner acknowledges that figure 6 was not among the papers present in the application on filing. Papers not shown to have been present in the application on filing cannot be a part of the original application disclosure. Petitioner's argument that the application is entitled to a filing date of July 12, 2006, with figure 6 considered part of the original application disclosure is not persuasive.

¹ Applicants are also permitted to (3) accept the application as deposited. However, these procedures have been revised such that applicants will no longer be able to accept the nonprovisional application as deposited by failing to file a reply to the notice within the time period.

Nor may the application be amended on petition to have figure 6 entered as part of the original application disclosure. Accordingly, the petition is dismissed to the extent that petitioner requests a filing date based on Figure 6 being prior art.

Alternatively, applicant requests the date of submission of the drawing figure as the filing date of the application. To that end, applicant supplies the missing figure; along with an amendment, amending the application to include the drawing figure; and a declaration. However, the declaration does not refer to drawing figure 6. A supplemental oath or declaration in compliance with §§ 1.63 and 1.64 covering figure 6 is required.

Upon the timely filing of an acceptable supplemental oath or declaration, the application will be accorded a filing date of September 14, 2006, the date of filing of omitted figure 6.

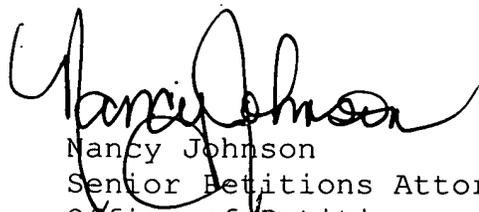
Further correspondence with respect to this decision should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By fax: (571) 273-8300
 ATTN: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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COLEMAN SUDOL SAPONE, P.C.
714 COLORADO AVENUE
BRIDGEPORT CT 06605-1601

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OFFICE OF PETITIONS

In re Application of :
Bong-wan Kim :
Application No. 11/485,156 : ON PETITION
Filed: September 14, 2006 :
Attorney Docket No. Y06-227 :

This is in response to the paper titled TRANSMITTAL OF SUBSTITUTE DECLARATION AND POWER OF ATTORNEY filed March 9, 2007, which is properly treated as a request for reconsideration of the decision mailed February 8, 2007. Applicant requests that the above-identified application be accorded a filing date of September 14, 2006, the date of the submission of omitted Figure 6.

The application was deposited on July 12, 2006. By Notice mailed August 3, 2006, applicant was advised that the application had been accorded a filing date of July 12, 2006; however, Figure 6 described in the specification appeared to have been omitted. In response, the initial petition was filed requesting, in effect, that the application be amended to include the drawing of Figure 6 described in the specification, or in the alternative that the application be accorded the later filing date of the date of submission of Figure 6.

By decision mailed February 8, 2007, the petition was dismissed with respect to being accorded a filing date of July 12, 2006 with figure 6 entered and with respect to being accorded a filing date of September 14, 2006, the date of submission of Figure 6. With respect to according the later September 14, 2006 filing date, the petition was dismissed because applicants did not supply a supplemental oath or declaration in compliance with §§ 1.63 and 1.64 that referred to Figure 6.

On instant renewed petition, applicants filed a supplemental declaration in compliance with §§ 1.63 and 1.64 that referred to Figure 6.

In view thereof, the petition under § 1.182 is **GRANTED**.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. The application is, thereby, forwarded to OIPE for according of a filing date of September 14, 2006, the date of filing of omitted Figure 6.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a large, stylized flourish at the end.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



LAHIVE & COCKFIELD, LLP
ONE POST OFFICE SQUARE
BOSTON, MA 02109-2127

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JUN 01 2007

OFFICE OF PETITIONS

In re Application of :
Eliezer Be-Eri et al :
Application No. 11/485,160 : DECISION ON PETITION
Filed: July 12, 2006 : UNDER 37 CFR 1.55(c)
Attorney Docket No. IMU-001CPCN :

This is a decision on the petition under 37 CFR 1.55(c), filed February 12, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to foreign Israeli Application No. 145461, filed September 16, 2001.

The petition is **GRANTED**.

This pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

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 and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (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 Director may require additional information where there is a question whether the delay was unintentional); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The intermediate applications, Application No. 10/211,544, filed August 5, 2002, and Application No. 09/975,943, filed on October 15, 2001, were filed within 12 months of September 16, 2001 (the filing date of the foreign application to which benefit is now being claimed). The petition is accompanied by a Supplemental Application Data Sheet,¹ which identifies the foreign application for which priority is claimed by application number, country and filing date. The required petition fee of \$1,370 was received with the petition. Lastly, petitioner has provided an adequate statement of unintentional delay.

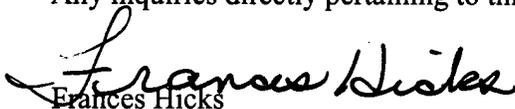
All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(a)-(d) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.55(c) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 119(a)-(d) and 37 CFR 1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed foreign application, accompanies this decision on petition.

This application will be referred to Technology Center AU 3734 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d).

Any inquiries directly pertaining to this matter may be directed to the undersigned at (571) 272-3218.



Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

¹ The petition is also accompanied by an amendment to the specification, which includes an incorporation by reference statement. However, the use of the incorporation by reference statement in the amendment is improper. 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).


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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
11/485,160	07/12/2006	3734	565	IMU-001CPCN	10	2

959
 LAHIVE & COCKFIELD, LLP
 ONE POST OFFICE SQUARE
 BOSTON, MA 02109-2127

CONFIRMATION NO. 1662
CORRECTED FILING RECEIPT



OC000000024169105

Date Mailed: 05/31/2007

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)

Eliezer Be-Eri, Jerusalem, ISRAEL;
 Yisrael Shuchman, Jerusalem, ISRAEL;

Power of Attorney: The patent practitioners associated with Customer Number **00959**.

Domestic Priority data as claimed by applicant

This application is a CON of 10/211,544 08/05/2002 PAT 7,096,866
 which is a CIP of 09/975,943 10/15/2001 ABN

Foreign Applications

ISRAEL 145461 09/16/2001

If Required, Foreign Filing License Granted: 08/01/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/485,160**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ******Title**

Inexsufflator

Preliminary Class

128

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/wéb/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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LAHIVE & COCKFIELD, LLP
ONE POST OFFICE SQUARE
BOSTON MA 02109-2127

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JUN 18 2007

OFFICE OF PETITIONS

In re Application of	:	
ELIEZER BE-ERI et al.	:	
Application No. 11/485,160	:	DECISION ON PETITION
Filed: January 08, 2007	:	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 20, 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 by Yisrael Shuchman, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3734 for action on the merits commensurate with this decision.


 Monica A. Graves
 Petitions Examiner
 Office of Petitions



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FERNANDEZ & ASSOCIATES LLP
1047 EL CAMINO REAL
SUITE 201
MENLO PARK CA 94025

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SEP 04 2007

OFFICE OF PETITIONS

In re Application of :
Monsees et al. :
Application No. 11/485,168 :
Filed: July 11, 2006 :
Attorney Docket No. PLOOM-P001 :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed May 23, 2007, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on July 18, 2006. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date accompanies this decision on petition.

The power of attorney submitted on May 10, 2007 was not entered because the assignee failed to provide a statement pursuant to 37 CFR 3.73(b). A courtesy copy of this decision is being mailed to the address given on the petition. However, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being forwarded to Technology Center Art Unit 1731 for examination in due course.



Charlema R. Grant
Petitions Attorney
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

Cc: Cecily Anne O'Regan
Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304


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/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
11/485,168	07/11/2006	James Monsees	PLOOM-P001

CONFIRMATION NO. 1152

 22877
 FERNANDEZ & ASSOCIATES LLP
 1047 EL CAMINO REAL
 SUITE 201
 MENLO PARK, CA 94025

Date Mailed: 09/04/2007

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 12/13/2007.

If applicant rescinded the nonpublication request before or on the date of "foreign filing," then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

¹ Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

PART 1 - ATTORNEY/APPLICANT COPY



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ORUM & ROTH LLC
53 W JACKSON BLVD, SUITE 1616
CHICAGO, IL 60604

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NOV 29 2006

In re Application of	:	OFFICE OF PETITIONS
PEREZ	:	
Application No. 11/485,175	:	DECISION ON PETITION
Filed: July 12, 2006	:	TO WITHDRAW
Attorney Docket No. 14336	:	FROM RECORD
	:	

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. Germrich. Catherine L. Germrich has been withdrawn as attorney or agent of record; attorney Keith H. Orum remains of record.

The correspondence address of record remains unchanged. Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.


Monica A. Graves
Petitions Examiner
Office of Petitions



WEINGARTEN SCHURGIN GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON, MA 02109

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JAN 17 2008

OFFICE OF PETITIONS

In re Application of :
Christopher R. Noble et al :
Application No. 11/485,180 :
Filed: July 12, 2006 :
Attorney Docket No. ULTM-001BX :

ON PETITION

This is a decision on the petition, filed January 10, 2008 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

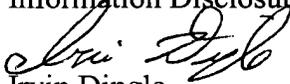
The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 3, 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.

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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BY:

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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JAN 22 2008

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEOVICI LLP

WEINGARTEN SCHURGIN GAGNEBIN & LEOVICI LLP
TEN POST OFFICE SQUARE
BOSTON, MA 02109

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JAN 17 2008

OFFICE OF PETITIONS

ON PETITION

RCE filed 1-10-08

In re Application of :
Christopher R. Noble et al :
Application No. 11/485,180 :
Filed: July 12, 2006 :
Attorney Docket No. ULTM-001BX :

This is a decision on the petition, filed January 10, 2008 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 3, 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.

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
Irvin Dingle
Petitions Examiner
Office of Petitions

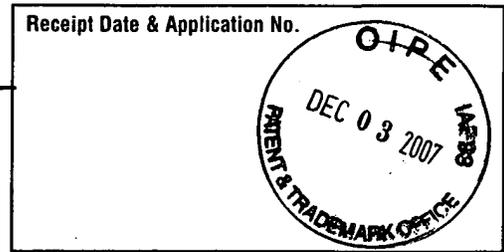
¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously 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).

Applicant: Noble, et al
Title: Orientation and Motion Filed: 7/12/2006
Application No. 11/485,180 Patent No. _____ Docket No. ULTM-0213X

Enclosed is the Following:

- | | |
|--|---|
| <input type="checkbox"/> Transmittal Letter in triplicate,
Check(s) for _____; | <input type="checkbox"/> Certificate/Letter of Correction,
Cover letter & check for _____; |
| <input type="checkbox"/> Application including Pgs. ____-____ of Spec.,
____-____ of claims and pg ____ of Abstract | <input type="checkbox"/> Notice of Appeal (In Triplicate),
Check for _____; |
| <input type="checkbox"/> Declaration and Power of Attorney,
Check(s) for _____; | <input type="checkbox"/> Petition for Extension of Time for
____ Months, Check for _____; |
| <input type="checkbox"/> Inform / Formal Drawings,
____ Sheets of Figs. ____-____; | <input type="checkbox"/> Verified Statement Claiming Small Entity Status |
| <input type="checkbox"/> Letter to Chief Draftsman; | <input type="checkbox"/> Certificate of Mailing by Express Mail |
| <input type="checkbox"/> Amend./Resp. dated _____
Check(s) for _____; | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Information Disclosure Statement, Form 1449,
____ refs., Check for _____; | |
| <input type="checkbox"/> Assignment; Check for _____; | |
| <input checked="" type="checkbox"/> Issue Fee; PTO Form 85B&C; Check for <u>\$1035.</u> | |

Date Mailed: 11/30/2007
Date Due: 1/24/2008
Initials: VBL/CLG
Express Mail Receipt No. _____





**EPSTEIN & GERKEN
SUITE 340
1901 RESEARCH BOULEVARD
ROCKVILLE MD 20850**

**MAILED
JUN 17 2010
OFFICE OF PETITIONS**

In re Application of :
Van Doorn et al. :
Application No. 11/485,190 : **DECISION ON PETITION**
Filed: July 12, 2006 :
Attorney Docket No. 0913.122.US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 27, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner within the meaning of 37 CFR 1.113 to the final Office action mailed December 5, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 6, 2009. A Notice of Abandonment was mailed June 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 a Notice of Appeal and fee of \$270.00; (2) the petition fee of \$810.00; and (3) a proper statement of unintentional delay.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 2612 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

Joan Olszewski
Petitions Examiner
Office of Petitions



**HELLER EHRMAN LLP
4350 LA JOLLA VILLAGE DRIVE #700
7TH FLOOR
SAN DIEGO CA 92122**

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AUG 13 2008

OFFICE OF PETITIONS

In re Application of :
BETROS, Robert et al. :
Application No. 11/485,229 :
Filed: July 11, 2006 :
Attorney Docket No. **43416-0002B** :

**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 04, 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 Steven Moore on behalf of all attorneys of record who are associated with customer No. 55462. All attorneys/agents associated with the Customer Number 55462 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 Robert Betros at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **ROBERT BETROS
DITITAL ORCHID
12626 HITH BLUFF DRIVE
SUITE 200
SAN DIEGO CA 92130**



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United States Patent and Trademark Office
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BANNER & WITCOFF , LTD
ATTORNEYS FOR CLIENT NUMBER 007412
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

Mail Date: 04/27/2010

Applicant	: Paul E. Schauer	: DECISION ON REQUEST FOR
Patent Number	: 7639622	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/485,234	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **742** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



KILPATRICK STOCKTON LLP
1001 WEST FOURTH STREET
WINSTON-SALEM NC 27101

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AUG 11 2008

Applicant: Eddin
Appl. No.: 11/485,243
Filing Date: July 11, 2006
Title: SYSTEMS AND METHODS FOR INSERTING BIOCOMPATIBLE FILLER
MATERIALS IN INTERIOR BODY REGIONS
Attorney Docket No.: KY-098
Pub. No.: US 2007/0055276 A1
Pub. Date: March 8, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 4, 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, as Figure 8 as filed with the application was omitted from the publication.

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 omitting Figure 8 is an Office error, but it is not a material Office error under 37 CFR 1.221. The omission of Figure 8 is a minor error and not a material Office error because the error does not affect the understanding of the publication, as the flow chart is of a method of how to use the device, which is described on pages 30-35 of the specification. The application is clearly understandable to one of ordinary skill in the art reading the application and claims. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

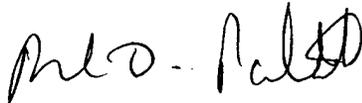
The applicant is advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221 (a). Such a request for republication “must include a copy of the application compliance with the Office’s electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i).” If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

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



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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RUTAN & TUCKER, LLP.
611 ANTON BLVD
SUITE 1400
COSTA MESA, CA 92626

MAILED

JUN 11 2009

OFFICE OF PETITIONS

In re Application of :
Horton et al. :
Application No. 11/485,249 :
Filed: July 11, 2006 :
Attorney Docket No. ELEC-0002-P02 :

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 21, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on May 29, 2009 the power of attorney to Rutan & Tucker, LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Strategic Patents P.C.
c/o Portfolioip
P.O. Box 52050
Minneapolis MN 55402



UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 23 2006

Commissioner for Patents
United States Patent and Trademark Office
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PRESTON GATES ELLIS & ROUVELAS MEEDS LLP
1735 NEW YORK AVENUE, NW, SUITE 500
WASHINGTON DC 20006

In re Application of
Ananda M. Chakrabarty et al
Serial No.: 11/485,252
Filed: July 13, 2006
Attorney Docket No.: 51282-00067

:
:
: PETITION TO MAKE SPECIAL
:
:

This is in response to the petition filed August 7, 2006, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, X. 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



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Values: 11/485,277, 07/13/2006, Andreu Gonzalez, 200503737-2, 1791

7590 04/21/2008
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
BARRON JR, GILBERTO

ART UNIT PAPER NUMBER
2132

NOTIFICATION DATE DELIVERY MODE
04/21/2008 ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Handwritten signature of Mimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 04/23/2008 DTERRY 11485277
07/14/2006 JBALINON 00000101 082025
02 FC:111 500.00 CR



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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

COPY MAILED

DEC 10 2007

OFFICE OF PETITIONS

In re Application of :
Tsang-I Chen. :
Application No. 11/485290 :
Filing or 371(c) Date: 07/13/2006 :
Attorney Docket Number: :
CHEN427 : ON PETITION

This is a decision on the "Petition to Vacate Holding of Abandonment," filed October 30, 2007. The petition is properly treated under 37 C.F.R. 1.181(a).

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowability, mailed June 19, 2007. The Notice set a non-extendable three (3) month period for reply. No response having been received, the application became abandoned on September 20, 2007. A Notice of Abandonment was mailed October 24, 2007.

Applicant files the instant petition and asserts that corrected drawings were not required in the application, and that the Notice of Allowability was mailed in error. Applicant avers that this was confirmed by the Supervisory Patent Examiner (SPE) of the Group Art Unit that issued the Notice of Allowability.

As the SPE has concurred, the Notice of Abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to Publishing Division for processing into a patent.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Derek L. Woods
Attorney
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,296	07/13/2006	Mineharu Uchiyama	293483US2	1843

7590 02/19/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

TAPIA, CESAR A

ART UNIT PAPER NUMBER

2627

NOTIFICATION DATE DELIVERY MODE

02/19/2009

ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Refund Ref: 02/19/2009 0030066827

Credit Card Refund Total: \$1500.00

Am Exp.: XXXXXXXXXXXX1001

Adjustment date: 02/19/2009 NFARMER
07/14/2006 JBALINAN 00000094 11485296
02 FC:1111 -500.00 OP
04 FC:1201 -1000.00 OP



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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

Mail Date: 04/21/2010

Applicant	: Jack Chen	: DECISION ON REQUEST FOR
Patent Number	: 7654632	: RECALCULATION OF PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/485,302	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **728** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

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DEC 21 2006

OFFICE OF PETITIONS

In re Application of Nakanishi et al. :
Application No. 11/485,307 : Decision on Petition
Filing Date: July 13, 2006 :
Attorney Docket No. SEIWA-0001-D01 :

This is a decision in response to the petition filed October 2, 2006, requesting, in effect, that Figures 9, 10, and 11 filed on October 2, 2006, be entered as part of the original disclosure.

The petition is **granted**.

The application was filed July 13, 2006.

The Office of Initial Patent Examination mailed a "Notice to File Corrected Application Papers" on October 2, 2006. The Notice informed applicants Figures 9, 10, and 11 did not appear to be part of the application as filed.

In response, the present petition was filed. Petitioner alleges Figures 9, 10, and 11 were filed with the original application.

The USPTO file for this application includes only 11 sheets of drawings. The file does not contain the 14 sheets petitioner alleges were filed with the original application. However, petitioner has submitted a postcard receipt acknowledging receipt of 14 sheets of drawings on July 13, 2006.¹ Therefore, the Office is persuaded that the three drawing sheets including Figures 9, 10, and 11 were part of the originally filed application but were later misplaced by the Office.

The Notice mailed October 2, 2006, is vacated to the extent the Notice stated Figures 9, 10, and 11 were missing.

The petition fee of \$400 has been credited to petitioner's deposit account.

¹ Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

The Office of Initial Patent Examination will be informed of the instant decision and will process the application with a filing date of July 13, 2006, using the papers filed July 13, 2006, and the three sheets of drawings including Figures 9, 10, and 11, filed October 2, 2006.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. Brantley', is positioned above the typed name.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

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OCT 27 2006

OFFICE OF PETITIONS

In re Application of :
Shinichi Mihara :
Application No. 11/485,336 : **DECISION ON PETITION**
Filed: July 13, 2006 :
Attorney Docket No. 12219/98 :

This is a decision on the petition filed August 15, 2006, requesting that the Office accord the present application a filing date of July 13, 2006, with Figures 5(a) – 5(c) as part of the original disclosure.

On July 13, 2006, applicant filed the above-identified application. On August 3, 2006, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of July 13, 2006, and advising applicant that Figures 5(a) – 5(c) described in the specification appeared to have been omitted.

In response, on August 15, 2006, applicant submitted the present petition, 17 sheets of drawings (including Figures 5(a) – 5(c)), and a copy of the return, date-stamped postcard receipt, acknowledging receipt of 17 sheets of drawings in the USPTO on July 13, 2006.

Upon review of the record, Figures 5(a) – 5(c) have been located among the application papers. Therefore, the application will be accorded a filing date of July 13, 2006, with Figures 5(a) – 5(c) as part of the original disclosure.

Accordingly, the petition is **granted**.

The request for the submission of Figures 5(a) – 5(c) was sent in error and is hereby **withdrawn**. No petition fee is necessary.

This matter is being referred to the Office of Initial Patent Examination. The Office of Initial Patent Examination is directed to **accord the above-identified application a filing date of July 13, 2006**, using the 17 sheets of drawings submitted on filing (including Figures 5(a) – 5(c)).

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,346	07/13/2006	Keunsoo Yim	1901.1100	1738
21171	7590	02/11/2009	EXAMINER	
STAAS & HALSEY LLP			MACKALL, LARRY T	
SUITE 700			ART UNIT	PAPER NUMBER
1201 NEW YORK AVENUE, N.W.			2189	
WASHINGTON, DC 20005			MAIL DATE	DELIVERY MODE
			02/11/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Commissioner for Patents
United States Patent and Trademark Office
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Date Mailed: February 11, 2009

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

Applicant: Yim et al.
Appl. No.: 11/485,346
Filing Date: July 13, 2006
Title: DATA STORAGE SYSTEM WITH COMPLEX MEMORY AND METHOD OF
OPERATING THE SAME
Attorney Docket No.: 1901.1100
Pub. No.: US 2007/0038808 A1
Pub. Date: February 15, 2007

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on February 6, 2009, 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.** The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

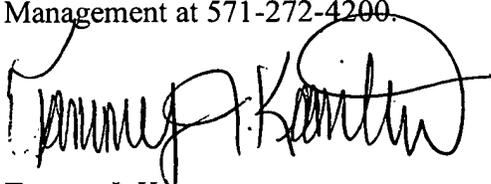
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

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.

A handwritten signature in black ink, appearing to read "Tammy J. Koontz". The signature is stylized with a large, circular flourish at the end.

Tammy J. Koontz
Program & Management Analyst
Office of Data Management

Adjustment date: 02/12/2009 KKING1
02/09/2009 INTEFSW 00000091 193935 11485346
01 FC:1504 300.00 CR



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624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

Mail Date: 04/21/2010

Applicant : Yehuda Binder : DECISION ON REQUEST FOR
Patent Number : 7653015 : RECALCULATION of PATENT
Issue Date : 01/26/2010 : TERM ADJUSTMENT IN VIEW
Appliction No : 11/485,359 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/13/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **866** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



JAGTIANI + GUTTAG
10363-A DEMOCRACY LANE
FAIRFAX VA 22030

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JAN 05 2009

In re Application of
SOKOLOFF, Michael
Application No. 11/485,394
Filed: July 13, 2006
Attorney Docket No. **SOKO-0001-UT1**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

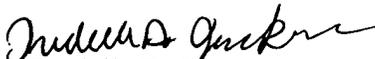
This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 2008.

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 Steven B. Kelber. Steven B. Kelber has been withdrawn as attorney or agent of record; all other attorneys remain of record. The correspondence address of record remains unchanged.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.


Tredelle D. Jackson
Paralegal Specialist
Office of Petitions



**DUCKOR SPRADLING METZGER & WYNNE
A LAW CORPORATION
3043 4TH AVE.
SAN DIEGO CA 92103**

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MAY 18 2007

In re Application of
SASAKI, Hiroshi et al.
Application No. 11/485,402
Filed: July 12, 2006
Attorney Docket No. **6541-104/US**

**OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.136(b), filed January 12, 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 Bernard L. Kleinke on behalf of all attorneys of record who are associated with customer No. 36412. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor.

There are no outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Terri Williams
Terri Williams
Petitions Examiner
Office of Petitions

cc: **HIROSHI SASAKI
4707-3 HONGO TACHIARAI
MI, FUKUOKA 830-1211
JAPAN**

cc: **GREG AKERS, BANKRUPTCY TRUSTEE
10731 TREENA STREET
SUITE 209
SAN DIEGO, CA 92131**



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BACON & THOMAS, PLLC
625 SLATERS LANE
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ALEXANDRIA, VA 22314-1176

Mail Date: 04/21/2010

Applicant	: Motoki Itou	: DECISION ON REQUEST FOR
Patent Number	: 7602264	: RECALCULATION OF PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/485,451	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **318** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 05/11/2010

Applicant : Satoru Ishii : DECISION ON REQUEST FOR
Patent Number : 7616066 : RECALCULATION of PATENT
Issue Date : 11/10/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/485,464 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/13/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **206** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/27/09

TO SPE OF : ART UNIT 2852 (2800)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/485,465 Patent No.: 7,505,718

Attn: Hoang Ngo

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (C of C)
South Tower - 9A22
Palm Location 7580**

Ernest B. White, LIE
Certificates of Correction Branch
703-308-9390 ext.122

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: _____

/David M. Gray/

2852

SPE

Art Unit



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Alexandria, Virginia 22313-1450
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/485,469 07/13/2006 Yong-im Kim 102-1295 2410

7590 03/30/2009
STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON, DC 20006

EXAMINER

COLES, EDWARD L

ART UNIT PAPER NUMBER

2625

MAIL DATE DELIVERY MODE

03/30/2009

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell (handwritten signature)

Patent Publication Branch
Office of Data Management

Adjustment date: 03/27/2009 BPOWELL
07/17/2006 DTESEM1 00000002 11485469
02 FC:1111 -500.00 OP
04 FC:1202 -500.00 OP
05 FC:1201 -400.00 OP

Adjustment date: 03/27/2009 BPOWELL
07/17/2006 DTESEM1 00000002 11485469
02 FC:1111 -500.00 OP
04 FC:1202 -500.00 OP
05 FC:1201 -400.00 OP



Barry Dove Patent Services, Inc.
324 Raintree Drive
Coppell, TX 75019

COPY MAILED

AUG 20 2007

In re Application of
Dieter Rathei
Application No. 11/485,477
Filed: July 12, 2006
Attorney Docket No. DRY-004

OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 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 reason set forth in the request, “... Barry Dove now works as an in-house counsel for STMicroelectronics ...,” 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.

There are no pending Office actions at this time.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272- 4618.


Frances Hicks
Petitions Examiner
Office of Petitions

cc: Dieter Rathei
Opernring 4
Graz, Austria A-8010

cc: Dieter Rathei
Bergmannngasse 44/6
Graz, Austria A-8010



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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FSP LLC
Charles A Mirho
P.O. Box 890
Vancouver WA 98666-0890

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NOV 01 2006

OFFICE OF PETITIONS

In re Application of	:	
COOK, et al.	:	
Application No. 11/485,497	:	DECISION ON PETITION
Filed: July 11, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. FSP0215	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 25, 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 evidence submitted with the instant petition is a declaration signed by Mr. Kessler indicating that he is at least 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Patricia Volpe at 571-272-6825.

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 3722 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions



Heller Ehrman, LLP
4350 La Jolla Village Drive #700
7th Floor
San Diego, CA 92122

COPY MAILED

OCT 24 2008

OFFICE OF PETITIONS

In re Application of	:	
David J. Fitzgerald et al.	:	
Application No. 11/485,498	:	DECISION ON PETITION
Filed: July 11, 2006	:	TO WITHDRAW
Attorney Docket No. 44351-1004C1.US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed October 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 Richard W. Thill on behalf of all attorneys/agents associated with customer number 33123 of record. All attorneys/agents associated with customer number 33123 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to the first signing inventor. A courtesy copy of this decision will be mailed to address indicated on the request to withdraw. If this firm would like to receive future correspondence, the proper power of attorney documents must be submitted or if an assignee has intervened compliance with 37 CFR 3.73(b) must be satisfied.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.


Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: David J. Fitzgerald
907 Marin Avenue
Hayward, CA 94551

cc: Goodwin Procter, LLP
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park, CA 94025-1105



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/485,498	07/11/2006	David J. Fitzgerald	44351-1004C1.US

CONFIRMATION NO. 2481

POWER OF ATTORNEY NOTICE

33123
HELLER EHRMAN LLP
4350 LA JOLLA VILLAGE DRIVE #700
7TH FLOOR
SAN DIEGO, CA 92122



Date Mailed: 10/24/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/10/2008.

- 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



**GOODWIN PROCTER LLP
ATTN: PATENT ADMINISTRATOR
135 COMMONWEALTH DRIVE
MENLO PARK CA 94025-1105**

MAILED

OCT 26 2009

OFFICE OF PETITIONS

In re Application of	:	
FITZGERALD, David J. et al.	:	
Application No. 11/485,498	:	DECISION ON PETITION
Filed: July 11, 2006	:	TO WITHDRAW
Attorney Docket No. WAM-1004 C1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 22, 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 James Fox on behalf of all attorneys of record who are associated with customer No. 77845. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

The application became abandoned for failure to timely pay the issue fee and publication fee indicated in the Notice of Allowance and Fee(s) Due mailed June 25, 2009.

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: **WHAM-O, INC.
MARKETING DEPARTMENT
5903 CHRISTIE AVE.
EMERYVILLE, CA 94608**



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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

Mail Date: 04/21/2010

Applicant	: H. Montgomery Manning	: DECISION ON REQUEST FOR
Patent Number	: 7585741	: RECALCULATION OF PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/485,511	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **604** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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Table with 8 columns: APPL NO., FILING OR 371 (c) DATE, ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, DRAWINGS, TOT CLMS, IND CLMS. Values: 11/485,513, 07/11/2006, 3761, 700, 27542-501 CIP-DIV-1, 9, 14, 5

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO P.C.
The Chrysler Center
24th Floor
666 Third Avenue
New York, NY 10017

CONFIRMATION NO. 2673
CORRECTED FILING RECEIPT
OC000000020475402

Date Mailed: 09/18/2006

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)
Coni F. Rosati, Carlsbad, CA;

Power of Attorney: The patent practitioners associated with Customer Number 35437.

Domestic Priority data as claimed by applicant
This application is a DIV of 11/356,929 02/16/2006
which is a CIP of 10/781,965 02/18/2004 PAT 7,014,630
which claims benefit of 60/479,745 06/18/2003
and said 11/356,929 02/16/2006
claims benefit of 60/654,037 02/17/2005
and claims benefit of 60/662,019 03/14/2005
and claims benefit of 60/711,796 08/26/2005

Foreign Applications
If Required, Foreign Filing License Granted: 08/01/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/485,513

Projected Publication Date: 11/09/2006

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Method and apparatus for supplying gas to an area

Preliminary Class

137

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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HONEYWELL INTERNATIONAL INC.
PATENT SERVICES
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN, NJ 07962-2245

Mail Date: 04/21/2010

Applicant : Raymond H. Thomas : DECISION ON REQUEST FOR
Patent Number : 7597744 : RECALCULATION of PATENT
Issue Date : 10/06/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/485,519 : OF WYETH
Filed : 07/12/2006 :
:
:

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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Oliff & Berridge, PLC
P.O. Box 19928
Alexandria, VA 22320

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DIRECTORS OFFICE

SEP 12 2007

TECHNOLOGY CENTER 2800

In re Application of : **DECISION ON REQUEST TO**
AKIYA SHICHIJO *et. al.* : **PARTICIPATE IN PATENT**
Application No. 11485527 : **PROSECUTION HIGHWAY**
Filed: July 13, 2006 : **PILOT PROGRAM AND PETITION**
Attorney Docket No. 128723 : **TO MAKE SPECIAL UNDER**
For: VEHICULAR TANDEM TYPE ROTARY : **37 CFR 1.102(d)**
ELECTRIC MACHINE

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed August 13, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Christine Oda at 571-272-1602.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/C. Oda/
Christine Oda
TQAS
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components



HARNESSE, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

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DEC 18 2008

OFFICE OF PETITIONS

In re Application of :
Mattias GEYRHOFER, et al :
Application No. 11/485,529 :
Filed: July 13, 2006 :
Attorney Docket No. 10400S-000006/US :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 4, 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 act noted above at item 2 has been performed.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.


Diane Goodwyn
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
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HARNES, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

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FEB 24 2009

In re Application of	:	OFFICE OF PETITIONS
Mattias GEYRHOFER, et al	:	
Application No. 11/485,529	:	DECISION ON PETITION
Filed: July 13, 2006	:	TO WITHDRAW
Attorney Docket No. 10400S-00006/US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 8, 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 John W. Fitzpatrick on behalf of the attorneys of record associated with Customer No. 30593.

The attorneys of record associated with Customer No. 30593 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.



Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: MATTIAS GEYRHOFER
OVERASGATAN 20,
S-412 66 GOTEBOG,
SWEDEN

cc: MR. TIMOTHY LORENZ, ESQ.
INGRASSIA FISHER & LORENZ, PC
7010 E. COCHISE RD.,
SCOTTSDALE, AZ 85253-1406



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

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

COPY MAILED

MAR 17 2008

In re Application of :
Lars FREDRIKSSON, et al :
Application No. 11/485,534 : DECISION ON PETITION
Filed: July, 13, 2006 : TO WITHDRAW
Attorney Docket No. 9077-000004/US/DVA : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 18, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Harness, Dickey & Pierce, P.L.C. , has been revoked by the assignee of the patent application on January 30, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: H. RAY HEFFLIN
CAPITOL PATENT & TRADEMARK
LAW FIRM, PLLC
1616 ANDERSON ROAD
MCLEAN, VA 22102



TRELLIS INTELLECTUAL PROPERTY LAW GROUP, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO CA 94303

COPY MAILED

JUN 20 2007

In re Application of :
PASCH, Nicholas F. :
Application No. 11/485,539 :
Filed: July 11, 2006 :
Attorney Docket No. 100115-001210US :

OFFICE OF PETITIONS

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.136(b), filed October 24, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, “[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]” More specifically, 37 CFR 10.40 states, “[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is” for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, (termination of services), does not meet any the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272- 4231.

Terri Williams
Petitions Examiner
Office of Petitions

cc: MITCHELL AND CULP, PLLC
ATTENTION: RICHARD M. MITCHELL, ESQ.
1001 MOREHEAD SQUARE DRIVE
SUITE 330
CHARLOTTE, NC 28203-4268


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
11/485,539	07/11/2006	Nicholas F. Pasch	100115-001210US

CONFIRMATION NO. 2790

 37490
 Trellis Intellectual Property Law Group, PC
 1900 EMBARCADERO ROAD
 SUITE 109
 PALO ALTO, CA 94303


OC000000024387081

Date Mailed: 06/15/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/29/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

FORMER ATTORNEY/AGENT COPY



TRELLIS INTELLECTUAL PROPERTY
LAW GROUP, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO CA 94303

COPY MAILED

JUN 20 2007

In re Application of
PASCH, Nicholas F.
Application No. 11/485,539
Filed: July 11, 2006
Attorney Docket No. 100115-001210US

OFFICE OF PETITIONS

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 29, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Charles J. Kulas on behalf of all attorneys of record who are associated with customer No. 37490. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor.

There are no outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

T. Williams
Terri Williams
Petitions Examiner
Office of Petitions

cc: **NICHOLAS F. PASCH**
1470 DE SOLO DRIVE
PACIFICA, CA 94044-4004

cc: **MITCHELL AND CULP, PLLC**
ATTENTION: RICHARD M. MITCHELL, ESQ.
1001 MOREHEAD SQUARE DRIVE
SUITE 330
CHARLOTTE, NC 28203-4268



JGJR.: 08-07

Paper No: ___

PATTERSON & SHERIDAN, LLP
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON TX 77056

COPY MAILED

AUG 27 2007

OFFICE OF PETITIONS

In re Application of	:	
Chua, et al.	:	
Application No. 11/485,546	:	ON PETITION
Filed: 12 July, 2006	:	
Attorney Docket No. 010585/FEP/ALD/AG	:	

This is a decision on the petition filed on 11 September, 2006, under 37 C.F.R. §1.47(a).

For the reasons set forth below, the petition under 37 C.F.R. §1.47(a) is **DISMISSED**.

NOTES:

- (1) Any reply must include a renewed petition (and fee) must include a petition under 37 C.F.R. §1.47 and must be submitted within two (2) months from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 C.F.R. §1.47";
- (2) Thereafter, there will be no further reconsideration of this matter.

BACKGROUND

The record indicates:

- the instant application was filed on 12 July, 2006, without, *inter alia*, a fully executed oath/declaration;
- on 8 August, 2006 Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;
- on 11 September, 2006, Petitioner Robert W. Mulcahy (Reg. No. 25,436) filed, *inter alia*, the instant petition with an oath/declaration signed by co-inventors Chua, Olsen, Czarnik and Wang on behalf of themselves and non-signing co-inventor ip Allan Kraus (Mr. Kraus) and Petitioner's statement as to the procedure followed, however, on or about 23 August, 2007, Petitioner contacted the Office to inform the Office that Petitioner now had a corrected to which to transmit the entire application—description, claims, abstract and drawings—as required by statute, regulation and practice of the Office, could be sent to the non-signing inventor, and so in light of Petitioner's diligent effort to keep the Office informed of new information and in support of his duty of candor to the Office, the instant petition will be dismissed pending Petitioner's re-submission of documentation in this matter.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office are to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

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

ANALYSIS

The regulations at 37 C.F.R. §1.47 provide in pertinent part:

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

(a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

* * *

The regulations at 37 C.F.R. §1.63 provide in pertinent part:

§1.63 Oath or declaration.

(b) In addition to meeting the requirements of paragraph (a) of this section, the oath or declaration must also:

- (1) Identify the application to which it is directed;
- (2) State that the person making the oath or declaration has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration; and
- (3) State that the person making the oath or declaration

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]

acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56.

When one alleges a refusal of the inventor to sign the application papers, 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, *inter alia*, presented the inventor with the application papers and/or to whom the refusal was made.

The commentary at MPEP §409.03(d) provides:

409.03(d) Proof of Unavailability or Refusal

INVENTOR CANNOT BE REACHED

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 C.F.R. §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 fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 C.F.R. §1.47.

Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under 37 C.F.R. §1.47. 37 C.F.R. §1.43 may be available under these circumstances. See MPEP §409.02. Such a petition under 37 C.F.R. §1.47 will be dismissed as inappropriate.

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.

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. The fact that an application may contain proprietary information does not relieve the 37 C.F.R. §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. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP §106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 C.F.R. §1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

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 C.F.R. §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.

Thus, not only must a copy of the entire application must be sent to the last known address of the non-signing inventor (or the estate representative) with a request that he/she sign the declaration for the patent application—and evidence of that transmittal submitted—but also a reasonable effort must be made to ascertain a current or last known address, and the petition (with fee) must state over the signature and registration number of the Petitioner the last known address and, if appropriate, evidence of the due diligence effort ascertaining same.

Alternatively, an oath or declaration for the patent application in compliance with 37 C.F.R. §§1.63 and 1.64 must be presented.

(The declaration must set forth the inventor's residence, citizenship and post office address. An oath or declaration in compliance with 37 C.F.R. §§1.63 and 1.64 signed by the Rule 1.47 applicant is required.²)

CONCLUSION

The Office thanks Petitioner for his effort to keep the Office informed as to Petitioner's progress in this matter and support his duty of candor to the Office. As always, the Rule requires support for the averment of transmittal of the entire application (description, claims, abstract and drawings) to the non-signing inventor to/at current/valid (or at least reasonably last-known/ascertainable) address. The evidence of these requirements (*inter alia*, a copy of the transmittal letter) should be submitted, of course, with any renewed petition—and Petitioner should review the Background section, above, to ensure that all matters raised therein have been addressed.

Therefore, the instant petition hereby is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:³

By mail: Commissioner for Patents⁴
 P.O. Box 1450
 Alexandria, VA 22313-1450

² See: MPEP 409.03(b).

³ On July 15, 2005, the Central Facsimile (FAX) Number changed from (703) 872-9306 to (571) 273-8300. Old number(s) no longer are in service and (571) 273-8300 is the only facsimile number recognized for centralized delivery. (For further information. see: <http://www.uspto.gov/web/offices/pac/dapp/ola/preognotice/cfax062005.pdf>.)

⁴ To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.

By FAX: IFW Formal Filings
(571) 273-8300
ATTN.: Office of Petitions

By hand: Mail Stop: Petition
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2¹⁰) 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.



JGJR: 12-07

Paper No: __

PATTERSON & SHERIDAN, LLP
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON TX 77056

COPY MAILED

DEC 28 2007

OFFICE OF PETITIONS

In re Application of :
Chua, et al. :
Application No. 11/485,546 :
Filed: 12 July, 2006 :
Attorney Docket No. 010585/FEP/ALD/AG :

ON PETITION

This is a decision on the petition filed on 24 October, 2007, under 37 C.F.R. §1.47(a).

For the reasons set forth below, the petition under 37 C.F.R. §1.47(a) is **DISMISSED**.

BACKGROUND

The record indicates:

- the instant application was filed on 12 July, 2006, without, *inter alia*, a fully executed oath/declaration;
- on 8 August, 2006 Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;
- on 11 September, 2006, Petitioner Robert W. Mulcahy (Reg. No. 25,436) filed, *inter alia*, the instant petition with an oath/declaration signed by co-inventors Chua, Olsen, Czarnik and Wang on behalf of themselves and non-signing co-inventor ip Allan Kraus (Mr. Kraus) and Petitioner's statement as to the procedure followed, however, on or about 23 August, 2007, Petitioner contacted the Office to inform the Office that Petitioner now had

a corrected to which to transmit the entire application—description, claims, abstract and drawings—as required by statute, regulation and practice of the Office, could be sent to the non-signing inventor, and so in light of Petitioner’s diligent effort to keep the Office informed of new information and in support of his duty of candor to the Office, the instant petition was dismissed on 27 August, 2007 pending Petitioner’s re-submission of documentation in this matter;

- in the instant petition, Petition avers and demonstrates with an oath/declaration signed by Mr. Kraus his signing and joinder in the application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office are to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

In view of the joinder of the inventors, further consideration under Rule 1.47(a) is not necessary and the petition is considered to be moot. This application does not have any Rule 1.47 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 Rule 1.47(a).

CONCLUSION

For the foregoing reasons, the instant petition is **dismissed as moot for joinder**.

This application is being released to OIPE for further processing as necessary before being returned to substantive examination in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2¹⁰) and

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner’s duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

See specifically, the regulations at 37 C.F.R. §10.18.

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.

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


UNITED STATES PATENT AND TRADEMARK OFFICE

 UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/485,551	07/12/2006	1756	1000	9319G-001782	9	10	2

CONFIRMATION NO. 1964

 27572
 HARNESS, DICKEY & PIERCE, P.L.C.
 P.O. BOX 828
 BLOOMFIELD HILLS, MI 48303

CORRECTED FILING RECEIPT


OC00000020538932

Date Mailed: 09/22/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

 Hideo Nakata, Suwa, JAPAN;
 Takuya Miyakawa, Okaya, JAPAN;
 Norio Okuyama, Suwa, JAPAN;

Assignment For Published Patent Application

Seiko Epson Corporation

Power of Attorney:

 G. Schivley--27382
 Bryant Wade--40344

Domestic Priority data as claimed by applicant
Foreign Applications

JAPAN 2005-205470 07/14/2005

If Required, Foreign Filing License Granted: 08/02/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/485,551**

Projected Publication Date: 01/18/2007

Non-Publication Request: No

Early Publication Request: No

Title

Manufacturing apparatus for oriented film, manufacturing method for oriented film, liquid crystal device, and electronic device

Preliminary Class

252

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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United States Patent and Trademark Office
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HARNES DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

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DEC 11 2006

OFFICE OF PETITIONS

In re Application of	:	
Hideo Nakata et al	:	
Application No. 11/485,552	:	DECISION GRANTING
Filed: July 12, 2006	:	PETITION
Attorney Docket No. 9319G-001761	:	

This is a decision on the petition filed September 11, 2006, requesting that the above-identified application be accorded a filing date of July 12, 2006, rather than the presently accorded date of July 11, 2006. The petition is properly treated as a petition under 37 CFR 1.10(d).

The petition is **GRANTED**.

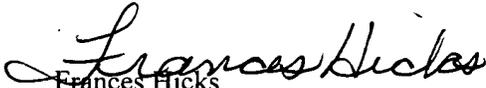
Applicant requests the later filing date on the basis that the application was purportedly deposited with Express Mail Service on July 12, 2006 pursuant to 37 CFR 1.10. Petitioner has provided a copy of their Express Mail Charge Back Log and Express Mail Log Applications showing the application was logged on July 12, 2006. In view thereof, petitioner has also provided a copy of the results from the USPS Track and Confirm database that shows that package was enroute July 12, 2006 to the USPTO. The same Express Mail number appears on the originally filed application 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. However, in view of the results from the USPS Track and Confirm database, it is confirmed that the package bearing Express Mail label No. EV 855 009 451 US was accepted on July 12, 2006.

The Patent Assignment Abstract of Title show the assignee's name is Seiko Epson Corporation.

This matter is being referred to the Office of Initial Patent Examination Division for **correction of the filing date to July 12, 2006**.

Telephone inquiries concerning this matter may be directed Irvin Dingle at (571) 272-3210.


 Frances Hicks
 Petitions Examiner
 Office of Petitions



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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant : Axel Ibenthal : DECISION ON REQUEST FOR
Patent Number : 7650954 : RECALCULATION of PATENT
Issue Date : 01/26/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/485,566 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/12/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **821** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



JOHN P. WARD
1900 UNIVERSITY AVENUE, FIFTH FLOOR
EAST PALO ALTO, CA 94303

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MAR 13 2009

OFFICE OF PETITIONS

In re Application of
Steven **HIGGINS, et al.**
Application No. 11/485,572
Filed: July 11, 2006
Attorney Docket No. **102063.00007**

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 under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed October 8, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that John P. Ward 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 the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner
Office of Petitions

cc: **SQUIRE, SANDERS & DEMPSEY, LLP**
PATENT DEPARTMENT
ONE MARITIME PLAZA, SUITE 300
SAN FRANCISCO, CA 94111-3492



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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Mail Date: 05/10/2010

Applicant	: Alexander G. MacInnis	: DECISION ON REQUEST FOR
Patent Number	: 7659900	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/485,582	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **539** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



**PAUL, HASTINGS, JANOFSKY
& WALKER LLP**
875 15th Street, NW
Washington DC 20005

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FEB 26 2008

OFFICE OF PETITIONS

In re Application of :
MASSA, Stephen et al. :
Application No. 11/485,596 :
Filed: July 11, 2006 :
Attorney Docket No. 71332.00501US :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 12, 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 Trevor Q. Coddington on behalf of all attorneys of record who are associated with customer No. 36183. 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 February 08, 2008 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **STEPHEN MASSA**
120 NEWTON DRIVE
BURLINGAME, CA 94010

cc: **TOWNSEND & TOWNSEND & CREW LLP**
ATTN: KENNETH JENKINS, ESQ.
12730 HIGH BLUFF DRIVE
SUITE 400
SAN DIEGO, CA 92130



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HARMAN - BRINKS HOFER CHICAGO
Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

Mail Date: 04/27/2010

Applicant : Gerald R. Stanley : DECISION ON REQUEST FOR
Patent Number : 7598714 : RECALCULATION of PATENT
Issue Date : 10/06/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/485,612 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/12/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **280** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/485,623 07/13/2006 Masami Sakita 10800US 1643

MASAMI SAKITA
P.O. BOX 61089
PALO ALTO, CA 94306-1089

EXAMINER

NGUYEN, HOANG M

ART UNIT PAPER NUMBER

3748

MAIL DATE DELIVERY MODE

01/22/2008

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.

Handwritten signature: Kalitus King
Patent Publication Branch
Office of Data Management

Adjustment date: 02/01/2008 KKing1
08/21/2006 TLUU11 00000001 11485623
02 FC:2111 -250.00 OP

Refund Ref:
02/01/2008 KKing1 0000161046

CHECK Refund Total: \$250.00



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/485,623 07/13/2006 Masami Sakita 10800US 1643

MASAMI SAKITA
P.O. BOX 61089
PALO ALTO, CA 94306-1089

EXAMINER

NGUYEN, HOANG M

ART UNIT PAPER NUMBER

3748

MAIL DATE DELIVERY MODE

01/22/2008

PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)
The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will not be recognized for the reason(s) indicated below:

- 1. [X] The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. [] The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. [] The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. [] Petition fee was not paid.

The application has/will be published as scheduled.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Signature: Kalena King
Patent Publication Branch
Office of Data Management



ANTONIO R. DURANDO
6902 N. TABLE MOUNTAIN ROAD
TUCSON, AZ 85718-1331

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FEB 26 2009

OFFICE OF PETITIONS

In re Application of
Yung-Chieh Hsieh
Application No. 11/485,653
Filed: July 11, 2006
Attorney Docket No. OC-P12

:
:
:
:
:

ON PETITION

This is a decision on the petition filed February 2, 2009 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the Issue fee, Publication fee and formal drawings in a timely manner in reply to the Notice of Allowance mailed September 16, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on December 17, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue fee, Publication fee and received the formal drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This matter is being referred to the Office of Data Management for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/485,653	07/11/2006	Yung-Chieh Hsieh	OC-P12

CONFIRMATION NO. 2269

POWER OF ATTORNEY NOTICE

John P. Wooldridge
114 Honu'ea P1
Kihei, HI 96753



Date Mailed: 02/24/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/02/2009.

- 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).

/i dingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/485,653	07/11/2006	Yung-Chieh Hsieh	OC-P12

CONFIRMATION NO. 2269

POA ACCEPTANCE LETTER

57931
ANTONIO R. DURANDO
6902 N. TABLE MOUNTAIN ROAD
TUCSON, AZ 85718-1331



OC00000034702427

Date Mailed: 02/24/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/02/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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LAWRENCE CRUZ
CONAIR CORPORATION
ONE CUMMINGS POINT ROAD
STAMFORD CT 06902

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AUG 07 2008

OFFICE OF PETITIONS

In re Application of :
Smith et al. :
Application No. 11/485,684 : **ON PETITION**
Filed: July 13, 2006 :
Attorney Docket No. 2187/U :

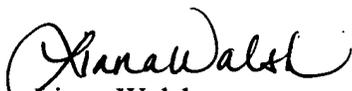
This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 22, 2008, to revive the above-identified application.

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 1797 for further examination on the merits.


Liana Walsh
Petitions Examiner
Office of Petitions



**DRINKER BIDDLE & REATH LLP
ATTN: INTELLECTUAL PROPERTY
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PA 19103-6996**

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NOV 30 2007

OFFICE OF PETITIONS

In re Application of :
Jeffrey S. Levy et al. :
Application No. 11/485,689 :
Filed: July 13, 2006 :
Attorney Docket No. 46966-0002-01-US (227792) :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 26, 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, [w]e believe that the former client asserts to the termination of the representation” 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, “Applicants’ assignee fails to pay one or more bills . . . ,” does not meet any of the conditions set forth in 37 CFR 10.40.

It is further noted that an assignee has not properly intervened in this application. If an assignee of the entire interest under 37 CFR 3.71 desires to intervene in this application or appoint counsel to represent him, then the appropriate power of attorney documents must be submitted. Note 37 CFR 3.73(b). A courtesy copy of this decision is being mailed to the address noted in the petition.

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 at the time.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272- 4618.


Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Jeffrey S. Levy
948 N. Eighth Street, 3rd Floor
Philadelphia, PA 19123

cc: Mr. Richard Peterson
Reflective Learning, LLC
259 Radnor-Chester Road, Ste. 210
Radnor, PA 19087



Drinker, Biddle & Reath, LLP
Attn: Intellectual Property
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996

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JAN 08 2008

In re Application of :
Jeffrey S. Levy et al. :
Application No. 11/485,689 :
Filed: July 13, 2006 :
Attorney Docket No. 46966-0002-01-US (227792) :

OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed December 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 A. Monaco on behalf of all attorneys/agents associated with customer number 23973. All attorneys/agents associated with customer number 23973 have been withdrawn.

The correspondence address has been changed and is copied below.

Applicant is reminded that there is no attorney of record at this time.

There are no outstanding Office actions in this case.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.


Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Reflective Learning, LLC
259 Radnor-Chester Road, Ste. 210
Radnor, PA 19087



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
11/485,689	07/13/2006	Jeffrey S. Levy	46966-0002-01-US (227792)

CONFIRMATION NO. 2051

POWER OF ATTORNEY NOTICE



23973
DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PA 19103-6996

Date Mailed: 01/07/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/06/2007.

- 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 Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199



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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

Mail Date: 04/26/2010

Applicant	: Atsuhiko Sato	: DECISION ON REQUEST FOR
Patent Number	: 7655864	: RECALCULATION OF PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/485,702	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/13/2006	: 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.



KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

COPY MAILED
DEC 29 2006
OFFICE OF PETITIONS

In re Application of Flashner-Barak :
Application No. 11/485,712 : Decision on Petition
Filing Date: July 12, 2006 :
Attorney Docket No. 1662/57003 :

This is a decision on the petition filed October 2, 2006, to accord the above-identified application a filing date of July 12, 2006.

The application was filed on July 12, 2006.

On August 2, 2006, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded and the filing date would be the date of receipt of the drawings.

In response, the present petition alleges that drawings are not "necessary for the understanding of the subject matter sought to be patented" within the meaning of 35 USC 113.

MPEP 601.01(f) states that:

It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

This application contains disclosure directed to a process or method. 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 other words, the Office should have mailed a "Notice of Omitted Item(s)" indicating drawings were missing but a filing date had been accorded, rather than a "Notice of Incomplete Application."

The "Notice" mailed August 2, 2006, was mailed in error and is hereby withdrawn.

In view of the above, the petition is **granted**.

During examination, if the examiner determines drawings are necessary under 35 USC 113, he may reconsider the filing date issue and have the Office of Initial Patent Examination (OIPE) mail a Notice of Incomplete Application. See MPEP 601.01(f).

The petition fee of \$400 has been credited back to petitioner's deposit account.

The petition was not given expedited treatment. Therefore, the \$130 paid for a petition to expedite has been credited back to petitioner's deposit account.

As a courtesy, the Office notes the inventor's name is spelled "Fleshner-Barak" on the declaration and spelled "Flashner-Barak" on other papers in the application file. Petitioner may wish to ensure the name was correctly spelled on the declaration.

The Office of Initial Patent Examination will further process the application with a filing date of July 12, 2006, using the application papers filed on July 12, 2006.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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NOV 16 2006

OFFICE OF PETITIONS

RUDEN, MCCLOSKEY, SMITH, SCHUSTER & RUSSELL, P.A.
222 LAKEVIEW AVE
SUITE 800
WEST PALM BEACH FL 33401-6112

In re Application of	:	
Andrew W. Gordon	:	
Application No. 11/485,720	:	DECISION ON PETITION
Filed: July 13, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 52728-0096	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(2)(i), filed August 9, 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 invention is broadly directed to desalination of sea water. Desalination of sea water does not in itself render the invention to be deemed materially enhancing the quality of the environment as set forth in M.P.E.P. § 708.02, Section V. Additionally, the instant petition fails to meet the materiality standard under 37 CFR 1.102(c)(2)(i) as desalinating sea water is known and the petition fails to explain how the claimed invention contributes in a significant, substantial or noticeable manner to the restoration or maintenance of one of the basic life-sustaining natural elements.

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 1723 for action in its regular turn.


David Bucca
Petitions Examiner
Office of Petitions



RUDEN, MCCLOSKEY, SMITH, SCHUSTER & RUSSELL, P.A.
222 LAKEVIEW AVE
SUITE 800
WEST PALM BEACH FL 33401-6112

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OFFICE OF PETITIONS

In re Application of	:	
Gordon	:	
Application No. 11/485,720	:	DECISION ON PETITION
Filed: July 13, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 52728-0096	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the request for reconsideration filed November 27, 2006 of petition under 37 CFR 1.102(c)(2)(i), filed August 9, 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 petitions are **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(i) and MPEP § 708.02, Section V: Environmental Quality, must state that special status is sought because the invention materially enhances the quality of the environment by contributing to the restoration or maintenance of basic life-sustaining natural elements. If the disclosure is not clear on its face that the claimed invention materially enhances the quality of the environment by contributing to the restoration or maintenance of one of the basic life-sustaining natural elements, the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. No fee is required.

The request for reconsideration nor the initial petition show the invention meets the materiality standard. The instant invention is directed to desalination of seawater. The desalination system claimed in the invention could be used to provide potable water; thereby reducing the damage to the marine ecosystem does not in itself satisfy the materiality standard. Contributing to the maintenance and restoration of at least one basic life-sustaining element in of itself does not meet the materiality standard. The standard requires that the invention materially enhance the quality of the environment, i.e., the invention must contribute in a significant, substantial, or noticeable manner to the maintenance and restoration of basic life-sustaining natural elements. Further the standard does not permit the applicant to speculate as to how a hypothetical end-user might specially apply to invention in a manner that could materially enhance the quality of the environment by contributing to the restoration or maintenance of basic life-sustaining natural elements.

This lack of meeting the materiality standards of 37 CFR 102(c)(2) (i) does not permit the applicant to enjoy the benefit of advanced examination.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

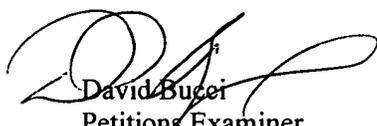
By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Jefferey Harold at 571-272-7519, 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 1723 for action in its regular turn.


David Bucei
Petitions Examiner
Office of Petitions



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222 LAKEVIEW AVE
SUITE 800
WEST PALM BEACH, FL 33401-6112

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JUL 29 2008

In re Application of	:	
Andrew W. Gordon	:	
Application No. 11/485,720	:	DECISION ON PETITION
Filed: July 13, 2006	:	TO WITHDRAW
Attorney Docket No. 52728-0096	:	FROM RECORD
	:	

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 5, 2008 and March 3, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Ruden, McClosky, Smith, Schuster & Russell, PA has been revoked by the applicant of the patent application on May 12, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: WATER STANDARD CO., LLC
ATTN: AMANDA MARTIN-BROCK
4265 SAN FELIPE
SUITE 610
HOUSTON, TX 77027



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Beyer Law Group LLP
P.O. BOX 1687
Cupertino, CA 95015-1687

Mail Date: 04/20/2010

Applicant : David Nilson : DECISION ON REQUEST FOR
Patent Number : 7595838 : RECALCULATION of PATENT
Issue Date : 09/29/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/485,721 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/12/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **520** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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EDWARDS & ANGELL, LLP
P.O. BOX 55874
BOSTON, MA 02205

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NOV 13 2006

In re Application of :
Yang :
Filed: July 12, 2006 : ON PETITION
Application No. 11/485,722 :
Atty. Dkt. No.: 65834(71987) :

OFFICE OF PETITIONS

This decision is in response to the petition, filed October 3, 2006, to accord the above-identified application a filing date of July 12, 2006 with Figures 6 and 7 as part of the original application as filed.

The application was filed July 12, 2006. The Notice mailed August 3, 2006 indicated that the application had been accorded a filing date but that Figures 6 and 7 appeared to have been omitted from the application as filed.

In response, petitioner argues that the application as deposited included four sheets of drawings, including Figures 6 and 7, and have presented as proof of mailing and proof of receipt of Figures 6 and 7 a return postcard date stamped by the Office on July 12, 2006. A copy of items purportedly filed with the application was submitted herewith.

The originals of Figures 6 and 7 have not been located. However, in view of the evidence presented, the petition to accord the application a filing date of July 12, 2006 is GRANTED.

Since the original of Figures 6 and 7 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. Petitioners are entitled to a refund of the previously submitted \$400.00 petition fee and may request a refund by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of July 12, 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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United States Patent and Trademark Office
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KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK, NY 10022-258

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NOV 21 2007

In re Application of : **OFFICE OF PETITIONS**
NAKATA, et al. :
Application No. 11/485,738 : DECISION GRANTING PETITION
Filed: July 13, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. FUJH 21.010A :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 19, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

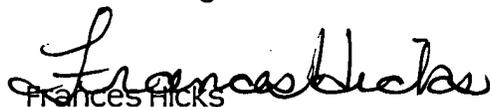
The petition is **GRANTED**.

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 November 5, 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 Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 2883 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.



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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United States Patent and Trademark Office
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JGJR.: 08-07

Paper No: ___

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

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SEP 04 2007

OFFICE OF PETITIONS

In re Application of :
Yukhin, et al. :
Application No. 11/485,745 :
Filed: 12 July, 2006 :
Attorney Docket No. 24816-11772 :

ON PETITION

This is a decision on the petition filed on 8 February, 2007, under 37 C.F.R. §1.47(a).

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 under 37 C.F.R. §1.47(a) is **GRANTED**.

BACKGROUND

The record indicates:

- the instant application was filed on 12 July, 2006, without, *inter alia*, a fully executed oath/declaration;
- on 8 August, 2006, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;

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 8 February, 2007, Petitioner John T. McNelis (Reg. No. 37,186) filed, *inter alia*, the instant petition, an oath/declaration signed by Messrs. Klimov, Suhovey and Gusev (for themselves and on behalf of) but without that of non-signing co-inventors Artiom Yukhin (Mr. Yukhin) and Alexey Gostomelsky (Mr. Gostomelsky), and Petitioner's statement, which sets forth that the entire application (description, claims, abstract and drawings) was sent to the non-signing inventors for review with documents supporting that averment, as required by statute and regulation, and that the non-signing inventors have not joined in the oath/declaration.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.²

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) &

This application and its papers have been reviewed and found in compliance with 37 C.F.R. §1.47(a).

This application hereby is **ACCORDED status under 37 C.F.R. §1.47(a)**.

As provided under 37 C.F.R. §1.47(a), the Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition.

Notice of the filing of this application also will be published in the Official Gazette.

This file is being released to OIPE for processing as necessary to reflect the instant decision before being released for 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. §1.2³) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).



John J. Gillon, Jr.
Senior Attorney
Office of Petitions

(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 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.



JGJR.: 08-07

Paper No: __

ARTIOM YUKHIN
555 BRYANT STREET/#343
PALO ALTO, CA 94301

COPY MAILED

SEP 04 2007

OFFICE OF PETITIONS

In re Application of
Yukhin, et al.
Application No. 11/485,745
Filed: 12 July, 2006
Attorney Docket No. 24816-11772

COMMUNICATION

Dear Artiom Yukhin:

You are named as inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47,¹ ¶a, Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding

¹ The regulations at 37 C.F.R. §1.47 provide:

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

(a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in §1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

(b) Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in §1.17(h), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

© The Office will send notice of the filing of the application to all inventors who have not joined in the application at the address(es) provided in the petition under this section, and publish notice of the filing of the application in the *Official Gazette*. The Office may dispense with this notice provision in a continuation or divisional application, if notice regarding the filing of the prior application was given to the nonsigning inventor(s).

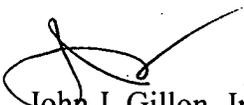
[47 Fed. Reg. 41275, Sept. 17, 1982, effective Oct. 1, 1982; 48 Fed. Reg. 2709, Jan. 20, 1983, effective Feb. 27, 1983; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997; revised, 65 Fed. Reg. 54604, Sept. 8, 2000, effective Nov. 7, 2000]

through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733.

Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or toll-free: (800) 972-6382 (outside the Washington D.C. area).

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. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).



John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

² 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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JGJR.: 08-07

Paper No: ___

ALEXEY GOSTOMELSKY
NOVOSLOBODSKAYA STREET, 50/1
APARTMENT 53
MOSCOW 103055
RUSSIA

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SEP 04 2007

OFFICE OF PETITIONS

In re Application of :
Yukhin, et al. :
Application No. 11/485,745 :
Filed: 12 July, 2006 :
Attorney Docket No. 24816-11772 :

COMMUNICATION

Dear Alexey Gostomelsky:

You are named as inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47,¹ ¶a, Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application,

¹ The regulations at 37 C.F.R. §1.47 provide:

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

(a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in §1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

(b) Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in §1.17(h), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

© The Office will send notice of the filing of the application to all inventors who have not joined in the application at the address(es) provided in the petition under this section, and publish notice of the filing of the application in the *Official Gazette*. The Office may dispense with this notice provision in a continuation or divisional application, if notice regarding the filing of the prior application was given to the nonsigning inventor(s).

[47 Fed. Reg. 41275, Sept. 17, 1982, effective Oct. 1, 1982; 48 Fed. Reg. 2709, Jan. 20, 1983, effective Feb. 27, 1983; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997; revised, 65 Fed. Reg. 54604, Sept. 8, 2000, effective Nov. 7, 2000]

order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733.

Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or toll-free: (800) 972-6382 (outside the Washington D.C. area).

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).



John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

² 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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O'SHEA GETZ & KOSAKOWSKI, P.C.
1500 MAIN ST.
SUITE 912
SPRINGFIELD, MA 01115

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SEP 07 2007

OFFICE OF PETITIONS

In re Application of :
Burkhard Giebel :
Application No. 11/485,750 :
Filed: July 13, 2006 :
Attorney Docket No. Micronas 7398DIV :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 10, 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 Corrected Application Papers (Notice) mailed August 4, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 5, 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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P.O. Box 1450
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GIBSON & DERNIER LLP
900 ROUTE 9 NORTH
SUITE 504
WOODBIDGE, NJ 07095

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JAN 25 2010

In re Application of	:	
Joseph Giovannoli	:	DECISION ON PETITION
Application No. 11/485,752	:	TO WITHDRAW
Filed: July 13, 2006	:	FROM RECORD
Attorney Docket No. 531/2 CIPX2	:	

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 2, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request cannot be approved since the above listed certifications were not made. Accordingly, any subsequent requests must include all of the certifications pursuant to 37 CFR 10.40, above.

All future communications from the Office will continue to be directed to the above-listed address until properly notified.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059.



Alicia Kelley
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

Mail Date: 05/28/2010

Applicant : Eric van 't Hooft : DECISION ON REQUEST FOR
Patent Number : 7648453 : RECALCULATION of PATENT
Issue Date : 01/19/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/485,755 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/13/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **17** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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DEC 04 2007

TECHNOLOGY CENTER 3600

Law Offices of Brian S. Steinberger
101 Brevard Avenue
Cocoa, FL 32922

In re application of : **DECISION ON PETITION**
Joseph R. Moody et al. : **TO MAKE SPECIAL FOR**
Application No. 11/485,762 : **NEW APPLICATION**
Filed: July 13, 2006 : **UNDER 37 CFR 1.102**
For: VERTICAL FORE GRIP WITH BIPOD

This is a decision on the petition filed on November 28, 2007 to make the above-identified application special for Infringement under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The petition to make special for Infringement under 37 C.F.R. § 1.102(d) is not acceptable at least 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 November 28, 2007, the petition must be considered under the new guidelines and thus is properly **DENIED**.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.



Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 12/2/07



**Jonathan F. Yates
Liell & McNeil Attorneys PC
P.O. Box 2417
Bloomington, IN 47402**

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SEP 13 2007

OFFICE OF PETITIONS

In re Application of :
John F. Stephens :
Application No. 11/485,763 :
Filed: July 13, 2006 :
Attorney Docket No. Stephens :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.136(b), filed May 4, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Jonathan F. Yates 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 F. Stephens 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: **John F. Stephens
7097 W. Walker Lane
Ellettsville, IN 47429**


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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/485,763	07/13/2006	John F. Stephens	Stephens

Jonathan F. Yates
 Liell & McNeil Attorneys PC
 P.O. Box 2417
 Bloomington, IN 47402

CONFIRMATION NO. 2892


OC000000025797997

Date Mailed: 09/13/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/04/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Yeri Williams

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

FORMER ATTORNEY/AGENT COPY



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MUETING, RAASCH & GEBHARDT, P.A.
P.O. BOX 581415
MINNEAPOLIS MN 55458

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DEC 17 2007

OFFICE OF PETITIONS

Applicant: Vaartstra

Appl. No.: 11/485,770

Filing Date: July 13, 2006

Title: SYSTEMS AND METHODS FOR FORMING METAL OXIDES USING METAL
DIKETONATES AND/OR KETOIMINES

Attorney Docket No.: 150.01340102

Pub. No.: 2006/0252279 A1

Pub. Date: November 9, 2006

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on December 21, 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 in claims 54, 69, 78, 80 and 83, wherein several subscripts are misprinted.

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 errors noted by requestor in claims 54, 69, 78, 80 and 83 are not material Office errors under 37 CFR 1.221. The text was not printed correctly due to the quality of the text. The errors noted by requestor in the claims in this published application are due to the quality of the text, as the subscripts are very small. Some of the text (the subscripts) is not clear due to the size. The quality of some of the text is poor, as it is small, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52.

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

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 portions of the amendment is blurry 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.

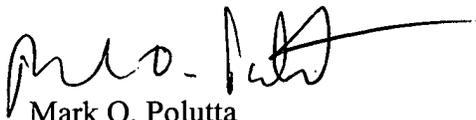
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the 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 O. Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



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MUETING, RAASCH & GEBHARDT, P.A.
P.O. BOX 581336
MINNEAPOLIS, MN 55458-1336

Mail Date: 04/21/2010

Applicant	: Brian A. Vaartstra	: DECISION ON REQUEST FOR
Patent Number	: 7648926	: RECALCULATION OF PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/485,770	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **484** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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MUETING, RAASCH & GEBHARDT, P.A.
P.O. BOX 581336
MINNEAPOLIS, MN 55458-1336

Mail Date: 04/21/2010

Applicant	: Brian A. Vaartstra	: DECISION ON REQUEST FOR
Patent Number	: 7648926	: RECALCULATION OF PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/485,770	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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

Dewey & LeBoeuf, LLP
1101 New York Avenue, NW
Washington, DC 20005

In re Application of :
Kenneth J. Kledzik, et. al. :
Application No. 11/485,772 : **DECISION ON PETITION**
Filed: July 13, 2006 : **UNDER 37 CFR 1.78(a)(3)**
Attorney Docket No. 781348.683044.006100 :
:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed June 18, 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 present 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.

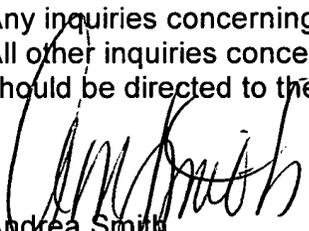
All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

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.

This application is being forwarded to Technology Center Art Unit 2841 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 the undersigned at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.


Andrea Smith
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/485,772, 07/13/2006, 2841, 1125, 781348.683044.006100, 29, 7

CONFIRMATION NO. 2886

CORRECTED FILING RECEIPT



73653
Dewey & LeBoeuf LLP
1101 New York Avenue, NW
Washington, DC 20005

Date Mailed: 08/04/2009

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)

Kenneth J. Kledzik, San Clemente, CA;
Jason C. Engle, San Clemente, CA;

Power of Attorney: The patent practitioners associated with Customer Number 73653

Domestic Priority data as claimed by applicant

This application is a CON of 10/371,061 02/21/2003 PAT 7,102,892
which claims benefit of 60/360,473 02/26/2002
and is a CIP of 09/688,499 10/16/2000 PAT 6,545,868
which is a CIP of 09/524,324 03/13/2000 PAT 6,487,078
This application 11/485,772
is a CIP of 10/648,029 08/26/2003 PAT 7,405,471
which is a CON of 09/688,500 10/16/2000 PAT 6,713,854

Foreign Applications

If Required, Foreign Filing License Granted: 08/03/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/485,772

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Modular integrated circuit chip carrier

Preliminary Class

361

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,783	07/13/2006	Brian VanDerWoude	INST511UTIL	2845

51017 7590 04/16/2010
INTEL. PROP./ RND
STRYKER CORPORATION
4100 EAST MILHAM AVE.
KALMAZOO, MI 49001-6197

EXAMINER

ANDERSON, AMBER R

ART UNIT PAPER NUMBER

3765

MAIL DATE DELIVERY MODE

04/16/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



INTEL. PROP./RND
Stryker Corporation
4100 East Milham Avenue
Kalamazoo, MI 49001-6197

Art Unit 3765

In re Application of :
VanDerWoude et al. :
Serial No. 11/485,783 : DECISION ON PETITION
Filed July 13, 2006 :
For: MEDICAL/SURGICAL PERSONAL :
PROTECTION SYSTEM PROVIDING :
VENTILATION, ILLUMINATION AND :
COMMUNICATION :

In the petition under 37 CFR 1.48(a) filed April 8, 2010, applicant request that David H. Grulke be added as inventor of the above named invention. Additionally, on April 12, 2010, a petition under 37 CFR 1.48(b) was received to delete Adam Sclafani, Jacob C. Foor, Douglas L. Tyler SR., Bruce Henniges, Dennis A. Stratton, Richard Huyser and Timothy A. Austin since they did not contribute to the invention now being claimed.

This petition decision is based on both petitions as noted above.

First, regarding the petition under 37 CFR 1.48(a) to add David H. Grulke as an inventor the following is required per 37 CFR 1.48(a):

- (1) A request to correct the inventorship that sets forth the desired inventorship change;
- (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
- (4) The processing fee set forth in § 1.17(i); and
- (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

All requirements set forth in 37 CFR 1.48(a), as noted above, have been met by applicants' petition.



Secondly, regarding the petition under 37 CFR 1.48(b) to delete Adam Sclafani, Jacob C. Foor, Douglas L. Tyler SR., Bruce Henniges, Dennis A. Stratton, Richard Huyser and Timothy A. Austin since they did not contribute to the invention now being claimed, the following is required per 37 CFR 1.48(b):

- (1) A request, signed by a party set forth in §1.33(b), to correct the inventorship that identifies the named inventor or inventors being deleted and acknowledges that the inventor's invention is no longer being claimed in the nonprovisional application; and
- (2) The processing fee set forth in §1.17(i).

All requirements set forth in 37 CFR 1.48(b), as noted above, have been met by applicants' petition.

The petitions are granted.

The correct inventive entity for this application is:

Brian VanDerWoude, Marshall Proulx, Douglas Campbell and David Grulke

PETITIONS GRANTED


Gary L. Welch

Supervisory Patent Examiner

Art Unit 3765

(571) 272-4996

(571) 273-4996 fax



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505 KING AVENUE
COLUMBUS OH 43201

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FEB 18 2010

OFFICE OF PETITIONS

In re
Lipp, et al.
Application No. 11/485,787
Filed: July 13, 2006
Attorney Docket No. 35056-513

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed December 1, 2009.

The fee deficiency submission under 37 CFR 1.28 of \$1141 is hereby **accepted**.

The change of status to large entity has been entered.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions



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JONES DAY
222 East 41st Street
New York, NY 10017-6702

Mail Date: 04/21/2010

Applicant : Eric J. Stave : DECISION ON REQUEST FOR
Patent Number : 7664999 : RECALCULATION of PATENT
Issue Date : 02/16/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/485,800 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/13/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **152** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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KIRK A. BUHLER
BUHLER ASSOCIATES
1101 CALIFORNIA AVE.
SUITE 208
CORONA CA 92881

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JAN 05 2007

OFFICE OF PETITIONS

In re Application of	:	
Mark Randazzo, et al.	:	
Application No. 11/485,810	:	DECISION ON PETITION
Filed: July 12, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. MR01-01U	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 27, 2006ve-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of applicant Joseph Randazzo's drivers license. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to April Wise 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 3612 for action on the merits commensurate with this decision.


April M. Wise
Petitions Examiner
Office of Petitions



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DALINA LAW GROUP, P.C.
7910 Ivanhoe Avenue, #325
La Jolla, CA 92037

MAILED

JUL 29 2009

In re Application of :
Ajay Wakhloo, et al. :
Application No. 11/485,844 :
Filed: July 12, 2006 :
Attorney Docket No. ERG-P0004 :

OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 16, 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 Cynthia A. Casby on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed July 10, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.



Terri Williams
Petitions Examiner
Office of Petitions

cc: **Ajay Wakhloo**
16250 Ventura Blvd.
Suite 415
Encino, CA 91436

cc: **Ergomd, LLC**
1930 Idaho Avenue
Santa Monica, CA 90403



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/485,844	07/12/2006	Ajay Wakhloo	ERG-P0004

36067
DALINA LAW GROUP, P.C.
7910 IVANHOE AVE. #325
LA JOLLA, CA 92037

CONFIRMATION NO. 3445
POWER OF ATTORNEY NOTICE



Date Mailed: 07/29/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/16/2009.

- 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

OFFICE OF DATA MANAGEMENT

PATENT LAW & VEWNTURE GROUP
2424 S.E. BRISTOL
SUITE 300
NEWPORT BEACH, CA 92660

OCT 21 2008

In re Application of :
DVORACEK JOE :
Application No. 11/485,850 : DECISION ON PETITION
Filed: July 12, 2006 :
Attorney Docket No. DVORAC.J-16 :

This is a response to the communication to Withdraw Holding of Abandonment received in the United States Patent and Trademark Office (USPTO) on September 29, 2008.

The petition is **DISMISSED**.

Any request for reconsideration of this decision, or as explained below, filing a petition seeking revival under 37 CFR § 1.137, must be filed within TWO (2) MONTHS from the mail date of this decision.

The above-identified application was held abandoned for applicant's failure to timely pay the issue fee, as required in the Notice of Allowance and Fee(s) Due mailed February 4, 2008. The Notice of Abandonment, was mailed on May 29, 2008.

Provisions under 37 CFR 1.8(b) requires that a petitioner (1) promptly inform the Office of the previous timely mailing or transmission after becoming aware that the Office has no evidence of receipt of the correspondence,(2) supply copies of the previously mailed correspondence with a certificate of mailing thereon, and (3) including a statement which attests to the previous timely mailing.

The holding of abandonment cannot be withdrawn at this time.

Further correspondence should be directed to the Office of Petition at 703-305-9282 or address as follows.

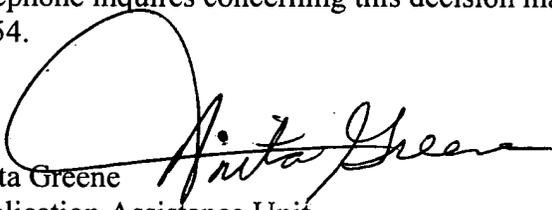


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OFFICE OF DATA MANAGEMENT

By mail: Commissioner for Patents
P O Box 1450
Mail Stop Petitions
Alexandria, VA 22313-1450

Telephone inquires concerning this decision may be directed to the undersigned at 703-308-9250 x 154.


Anita Greene
Application Assistance Unit
Office of Data Management



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PATENT LAW & VENTURE GROUP
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NEWPORT BEACH, CA 92660

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OFFICE OF PETITIONS

In re Application of
Joe Dvoracek
Application No. 11/485,850
Filed: July 12, 2006
Attorney Docket No. DVORAC.J-16

:
:
:
:
:
:

ON PETITION

This is a decision on the petition filed January 26, 2009 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue fee, which was previously paid on September 29, 2008; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This matter is being referred to the Office of Data Management for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions



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Barbara M. Burns
1766 Plymouth Road, #276
Ann Arbor, MI 48105-1890

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FEB 14 2008

OFFICE OF PETITIONS

In re Application of	:	
David J. Moellering	:	
Application No. 11/485,863	:	DECISION ON PETITION
Filed: July 13, 2006	:	TO WITHDRAW
Attorney Docket No. MOE-10402/16	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed October 9, 2007.

The request is **NOT APPROVED**.

A review of the file record indicates that Barbara M. Burns does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Gifford, Krass, Sprinkle, Anderson &
Citkowski, P.C.**
P.O. Box 7021
Troy, MI 48007-7021



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GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

Mail Date: 04/21/2010

Applicant : David J. Moellering : DECISION ON REQUEST FOR
Patent Number : 7581475 : RECALCULATION of PATENT
Issue Date : 09/01/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/485,863 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/13/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **342** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

Mail Date: 05/06/2010

Applicant	: Brian T. Cunningham	: DECISION ON REQUEST FOR
Patent Number	: 7615339	: RECALCULATION OF PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/485,867	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,872	07/13/2006	Keith C. Allberg	TNYZ 2 00018	3747
27885	7590	07/15/2009	EXAMINER	
Fay Sharpe LLP 1228 Euclid Avenue, 5th Floor The Halle Building Cleveland, OH 44115			TANINGCO, MARCUS H	
			ART UNIT	PAPER NUMBER
			2884	
			MAIL DATE	DELIVERY MODE
			07/15/2009	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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Fay Sharpe LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland, OH 44115

In re Application of: :
Keith C. Allberg :
Serial No.: 11/485,872 :
Filed: July 13, 2006 :
Attorney Docket No.: TNYZ 2 00018 :

DECISION ON PETITION
TO EXPUNGE

This is a decision on the petition and request filed February 19, 2009, to expunge information submitted pursuant to 37 C.F.R. § 1.59, and M.P.E.P. § 719.01.

The petition is **Dismissed**.

For a petition under 37 C.F.R. § 1.59(b) to be granted, the petition must contain:

- (A) the Office can effect such return prior to the issuance of any patent on the application in issue;
- (B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;
- (C) the information has not otherwise been made public;
- (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
- (E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and
- (F) the petition fee as set forth in 37 CFR 1.17(g) is included. (M.P.E.P. § 724.05[R-6](II)).

A review of the instant petition reveals that it does not include an indication that 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, that the information has not otherwise been made public, and an indication of a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted.. Accordingly, the petition to expunge must be dismissed. The material requested to be expunged will remain in the file.

Any request for reconsideration must be filed within TWO MONTHS of the date of this decision.

Inquiries related to this decision should be directed to Clayton E. LaBalle at (571) 272-1594.

John W. Cabeca, Director
Technology Center 2800
Semiconductors, Electrical and Optical



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FAY SHARPE LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland, OH 44115

MAILED

OCT 01 2009

OFFICE OF PETITIONS

In re Application of :
Keith C. ALLBERG :
Application No. 11/485,872 : DECISION ON PETITION
Filed: July 13, 2006 :
Attorney Docket No. TNYZ 2 00018 :

This is a decision on the petition under 37 CFR 1.59(b), filed September 14, 2009, to expunge information from the above identified application.

The petition is granted.

Petitioner requests that a document identified as a NPL Document, filed January 20, 2009, be expunged from the record. Petitioner states that 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 information in question has been determined by the undersigned to not be material to the examination of the instant application.

In a paper file, the unintentionally submitted exhibits could, but not necessarily would, have been physically removed from the file wrapper and returned to applicant. In the IFW realm the corresponding action(s) is to close the document and also remove such from the listing of "Public[ly available] Documents." It is agreed that it would be appropriate in this instance to close the information in application serial no. 11/485,872 that was erroneously filed in the above identified application, and also remove such from the listing of publicly available documents for this Image File Wrapper (IFW).

Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application.

Telephone inquiries concerning this communication should be directed to the undersigned at 571-272-0602.


Thurman K. Page
Petitions Examiner
Office of Petitions



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GRAYBEAL JACKSON, LLP
155 - 108TH AVENUE NE
SUITE 350
BELLEVUE, WA 98004-5973

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OFFICE OF PETITIONS

In re Patent No. 7,336,538 :
Issue Date: February 26, 2008 :
Application No. 11/495,874 : ON PETITION
Filed: July 28, 2006 :
Patentee(s): Luca Crippa, et. al. :

This is a decision on the request under 37 CFR 3.81¹, to add the name of an assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

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.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. Inquiries regarding the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

Andrea Smith
Petitions Examiner
Office of Petitions

¹See *Official Gazette* of June 22, 2004



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JAN 30 2008

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of :
Dennis L. Schultze :
Serial No.: 11/485,882 : PETITION DECISION
Filed: July 12, 2006 :
Attorney Docket No.: 1423-090 :

This is in response to the petition under 37 CFR § 1.59(b), filed November 26, 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 November 26, 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,882	07/12/2006	Dennis L. Schultze	1423-090	3240

32905 7590 06/13/2008
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER

BAUM, STUART F

ART UNIT PAPER NUMBER

1638

MAIL DATE DELIVERY MODE

06/13/2008

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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JUN 13 2008

In re Application of :
Dennis L. Schultze :
Serial No.: 11/485,882 : PETITION DECISION
Filed: July 12, 2006 :
Attorney Docket No.: 1423-090 :

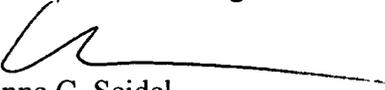
This is in response to the renewed petition under 37 CFR § 1.59(b), filed June 2, 2008, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on November 26, 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20091125

DATE : November 25, 2009

TO SPE OF : ART UNIT 2825

SUBJECT : Request for Certificate of Correction on Patent No.: 7526739

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - PK 3-910

Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments:

1. Changes to claim 1 have been entered as which do not change the scope of the invention.
2. Changes DO NOT apply: The Reference Cited, --Heilweil, M.F., "Technology Rules-The Other Side of Technology Dependent Code," 20th Conference on Design Automation, June 1983, p. 389. Reason: see 37 CFR 1.97(d).

SPE /Jack Chiang/ 11/25/09



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HARRINGTON LAW OFFICE
5300 CORPORATE GROVE DR SE,
SUITE 350
GRAND RAPIDS, MI 49512

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OFFICE OF PETITIONS

In re Application of
Avram BAHNEAN
Application No. 11/485,888
Filed: July 13, 2006
Attorney Docket No. IH SAM 2654

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 8, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Harrington Law Office has been revoked by the assignee of the patent application on August 22, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.


April Wise
Petitions Examiner
Office of Petitions

cc: QUAN LE NGUYEN
CHANDLER & UDALL LLP
4801 E. BROADWAY BLVD.
SUITE 400
TUCSON, AZ 85711-3609

cc: AVRAM BAHNEAN
2037 AMSTERDAM LANE
MODESTO, CA 95356



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SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA, GA 30309

Mail Date: 04/21/2010

Applicant	: Alexander Reinefeld	: DECISION ON REQUEST FOR
Patent Number	: 7623511	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/485,904	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **630** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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JONDLE & ASSOCIATES P.C.
 858 HAPPY CANYON ROAD SUITE 230
 CASTLE ROCK CO 80108

In re Application of :
 Dennis L. Schultze :
 Serial No.: 11/485,915 : PETITION DECISION
 Filed: July 12, 2006 :
 Attorney Docket No.: 1423-088 :

This is in response to the petition under 37 CFR § 1.59(b), filed March 10, 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 March 10, 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 Examiner
 Technology Center 1600



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858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of :
Dennis L. Schultze : PETITION DECISION
Serial No.: 11/485,915 :
Filed: July 12, 2006 :
Attorney Docket No.: 1423-088 :

This is in response to the petition under 37 CFR § 1.59(b), filed July 9, 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 March 10, 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.

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, petitioner'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
Technology Center 1600



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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/485,917	07/12/2006	Eugene P. Marsh	M122-3336

WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE WA 99201

DATE MAILED: August 16, 2007

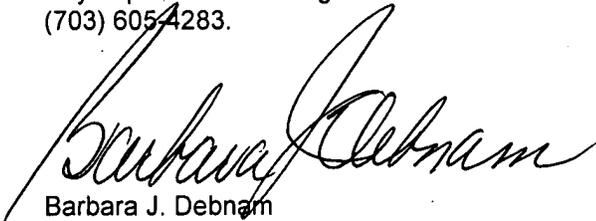
DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d) filed August 10, 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



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YATE' K. CUTLIFF
ATTORNEY AT LAW
P.O. BOX 15095
ST. PETERSBURG, FL 33733-5095

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JAN 04 2007

OFFICE OF PETITIONS

In re Application of
ASHWOOD
Application No. 11/485,924
Filed: July 12, 2006
Attorney Docket No. 3878.004

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**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 1, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Yate K. Cutliff has been revoked by the applicant of the patent application on November 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 the undersigned at 571-272-7253.


Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **DAVID KIEWIT
5901 THIRD STREET SOUTH
ST PETERSBURG, FL 33705**



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MICHAEL J. COLITZ, JR.
640 Douglas Avenue
DUNEDIN FL 34698

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JUL 01 2010
OFFICE OF PETITIONS

In re Application of :
Henry L. Ashwood, Jr. :
Application No. 11/485,924 : **DECISION ON PETITION**
Filed: July 12, 2006 :
Attorney Docket No. AJ 12/01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 10, 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 April 9, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed January 9, 2009. Accordingly, the date of abandonment of this application is April 10, 2009. The Notice of Abandonment was mailed May 4, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Office of Data Management for processing into a patent.


Terri Johnson
Petitions Examiner
Office of Petitions



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MAR 14 2008

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of :
Dennis L. Schultze :
Serial No.: 11/485.927 : PETITION DECISION
Filed: July 12, 2006 :
Attorney Docket No.: 1423-089 :

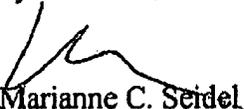
This is in response to the petition under 37 CFR § 1.59(b), filed March 10, 2008, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on March 10, 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 Examiner
Technology Center 1600



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JUL 18 2008

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of :
Dennis L. Schultze : PETITION DECISION
Serial No.: 11/485,927 :
Filed: July 12, 2006 :
Attorney Docket No.: 1423-089 :

This is in response to the petition under 37 CFR § 1.59(b), filed July 9, 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 March 10, 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.

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, petitioner'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
Technology Center 1600



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/485,969 07/14/2006 Kazuya Nakagawa 2635-368 4716

7590 07/30/2009
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER

DINH, BACH T

ART UNIT PAPER NUMBER

1795

MAIL DATE DELIVERY MODE

07/30/2009

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 08/04/2009 BPOWELL
07/17/2006 EAREGRY1 03000005 11485969
02 FC:1111 -500.00 OP

Adjustment date: 08/04/2009 BPOWELL
07/17/2006 EAREGRY1 03000005 11485969
02 FC:1111 -500.00 OP

Refund Ref:
08/04/2009

0030072905

Credit Card Refund Total: \$500.00

Ad Exp.: XXXXXXXXXXXX2021



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BAKER & HOSTETLER LLP
WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE. N.W.
WASHINGTON, DC 20036-5304

Mail Date: 04/20/2010

Applicant : Weishi Ll : DECISION ON REQUEST FOR
Patent Number : 7580635 : RECALCULATION of PATENT
Issue Date : 08/25/2009 : TERM ADJUSTMENT IN VIEW
Appliction No : 11/485,975 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/14/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **34** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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.
11/485,991	07/14/2006	Kalyani Bogineni	050108-0121	3050
20277	7590	04/28/2010	EXAMINER	
MCDERMOTT WILL & EMERY LLP			CHAMBERS, MICHAEL A	
600 13TH STREET, N.W.			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005-3096			2448	
			MAIL DATE	DELIVERY MODE
			04/28/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



MAILED

APR 28 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

Keith E. George
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

In re Application of: BOGINENI, Kalyani et. al.
Application No. **11/485,991**
Filed: July 14, 2006
Docket No. 050108-0121
Title: MULTIMEDIA NEXT GENERATIO
NETWORK ARCHITECTURE FOR IP
SERVICES DELIVERY BASED ON
NETWORK AND USER POLICY

DECISION ON PETITION
UNDER 37 C.F.R. § 1.181

This is a decision on petition filed March 22, 2010 under 37 CFR § 1.181 to invoke Supervisory Authority of the Commissioner to seeks relief from Examiner's action in relation to the Final Office Action mailed December 21, 2009, *namely*, requesting the withdrawal of the finality thereof.

This petition is **GRANTED**.

RELEVANT HISTORY PROSECUTION

- 07/01/09 Non-final office action was mailed, wherein claims 20-26 were rejected being anticipated by Adamczyk et. al. (US 2007/0100981). Claims 1-19 were rejected as being unpatentable over Adamczyk et. al.. in view of Zhu et. al. (US 2008/0298353). The action additionally rejected claim 26 under 35 U.S.C. 101 as being directed to non-statutory subject matter and claims 1, 9, 13, 20 and 25-26 for minor informalities.
- 10/01/09 Reconsideration/Reply under 37 C.F.R. §1.111 was filed which included amendments to: (i) claims 1, 9, 11, and 13 in accordance with objection to minor informalities previously raised by examiner in action mailed 07/01/09 p. 3 and based on Examiner's suggestions; (ii) claims 20-26 were canceled; specification and drawings were amended.
- 12/21/09 Final office action was mailed, wherein Claims 1-19 were rejected as being anticipated by Adamczyk et. al. The claim objections and specification objection raised in the previous action has been overcome by Applicant's amendment and argument and therefore it is hereby withdrawn. The claim rejection under 35 U.S.C. 101 raised in the previous action has been overcome by Applicant's by the cancellation of claim 26.

03/22/10 Petition under 37 CFR § 1.181 *requesting* the withdrawal of the finality.

REGULATION AND PROCEDURES

803.02 Amendments submitted after the final rejection further restricting the scope of the claim may be denied entry *if they do not* comply with the requirements of 37 C.F.R. §1.116. See MPEP § 714.13.

1.115 Preliminary Amendments: § 1.116 Amendments and affidavits or other evidence after final action and prior to appeal. (a) An amendment after final action must comply with § 1.114 or this section. (b) After a final rejection or other final action (§ 1.113) in an application or in an ex parte reexamination filed under § 1.510, or an action closing prosecution (§ 1.949) in an inter partes reexamination filed under § 1.913, but before or on the same date of filing an appeal (§ 41.31 or § 41.61 of this title): (1) An amendment may be made canceling claims or complying with any requirement of form expressly set forth in a previous Office action.

706.07(a) [R-6] Final Rejection, When Proper on Second Action

A second or any subsequent action on the merits in any application or patent involved in reexamination proceedings should not be made final if it includes a rejection, on prior art not of record, of any claim amended to include limitations which should reasonably have been expected to be claimed. See MPEP § 904 et seq. However, note that an examiner cannot be expected to foresee whether or how an applicant will amend a claim to overcome a rejection except in very limited circumstances (e.g., where the examiner suggests how applicant can overcome a rejection under 35 U.S.C. 112, second paragraph).

1207.04 [R-3] Reopening of Prosecution After Appeal

The examiner may, with approval from the supervisory patent examiner, reopen prosecution to enter a new ground of rejection after appellant's brief or reply brief has been filed. The Office action containing a new ground of rejection may be made final if the new ground of rejection was (A) necessitated by amendment, or (B) based on information presented in an information disclosure statement under 37 CFR 1.97(c) where no statement under 37 CFR 1.97(e) was filed. See MPEP § 706.07(a). Any after final amendment or affidavit or other evidence that was not entered before must be entered and considered on the merits.

DECISION

Final office action mailed December 21, 2009 (hereafter referred to a Final action) for which Petitioner seeks relief of Examiner's action, specifically, its final designation, has been fully considered.

Final action was mailed in response to Amendment filed October 01, 2009. This

Response did **not** include amendments to (at least) claims 1-19 other than those suggested by Examiner (see office action mailed 07/01/09 page 3). Nevertheless, the final rejection included new grounds of rejection for claims 1-19, namely, a rejection under 102(e) as being anticipated by Adamczyk et. al. These new grounds were not necessitated by Applicants' amendment or based on information submitted in an Information Disclosure Statement filed during the period set forth in 37C.F.R. § 1.97(c). Claims 1-19 were previously rejected under 103(a) as being unpatentable over Adamczyk et. al. in view of Zhu et. al. (US 2008/0298353). Because (as for claim 1) Adamczyk did not specifically disclose: "a link layer (L2) network element for providing two-way transport for packet communication with one or more of the subscribers' ATs;" For which, Zhu was introduced to meet the deficiencies of the primary reference (action mailed 07/01/09, p. 12).

Thus, grounds of rejection of claims 1-19 from 35 USC 103(a) unpatentable over Adamczyk et. al. in view of Zhu et. al. changed to 35 USC 102(e) anticipated over Adamczyk et. al. was neither (A) necessitated by amendment, or (B) based on information presented in an information disclosure statement under 37 CFR 1.97(c) where no statement under 37 CFR 1.97(e) was filed. See MPEP § 706.07(a).

For the reason(s) above-mentioned this petition is hereby **granted**.

Finality of action mailed December 21, 2009 is hereby **withdrawn**.

Application will be forwarded to respective Technical Support Staff for withdrawal of finality of office action mailed December 21, 2009. Application has been forwarded to examiner for proper treatment of Applicant's response mailed October 01, 2009 and issuance of corresponding office action in due course.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3902. If attempts to reach the undersigned by telephone are unsuccessful, Kim Huynh, Quality Assurance Specialist, can be reached at (571) 272-4147.

/bp/

/Beatriz Prieto/
Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400,
Network, Multiplexing, Cable and Security



WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

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APR 04 2008

In re Application of
Kazuaki Kurihara et al
Application No. 11/486,001
Filed: July 14, 2006
Attorney Docket No. 032104A

:
:
: OFFICE OF PETITIONS
: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(2)
:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 3, 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 15, 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 2831 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/486,052	07/14/2006	Koji Mishima	128745	3602

7590 06/30/2008
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER

KORZUCH, WILLIAM R

ART UNIT	PAPER NUMBER
2627	

MAIL DATE	DELIVERY MODE
06/30/2008	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.

Patent Publication Branch
Office of Data Management

Refund Ref:
07/02/2008 NFARMER 0000163418

Adjustment date: 07/02/2008 NFARMER
07/17/2006 SSITHIB1 00000039 11406052
02 FC:1111 -500.00 OP

CHECK Refund Total: \$500.00



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LITMAN LAW OFFICES, LTD
PO BOX 15035
CRYSTAL CITY STATION
ARLINGTON VA 22215

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SEP 25 2006

OFFICE OF PETITIONS

In re Application of :
Kramer et al. :
Application No. 11/486,058 : ON PETITION
Filed: July 14, 2006 :
Attorney Docket No. 28513.00 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 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 statement from the applicant, Anthony Lepore. 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 3676 for action on the merits commensurate with this decision.


Liana Chase
Petitions Examiner
Office of Petitions



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ARNOLD & PORTER LLP
555 TWELFTH STREET, N.W.
ATTN: IP DOCKETING
WASHINGTON, DC 20004

Mail Date: 04/20/2010

Applicant : Scott Hendricks : DECISION ON REQUEST FOR
Patent Number : 7671255 : RECALCULATION of PATENT
Issue Date : 03/02/2010 : TERM ADJUSTMENT IN VIEW
Application No : 11/486,083 : OF WYETH
Filed : 07/14/2006 :
:
:

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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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Masanari Matsuura	: DECISION ON REQUEST FOR
Patent Number	: 7649159	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/486,084	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **438** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH VA 22040-0747

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DEC 24 2009

OFFICE OF PETITIONS

In re Application of :
Mitsuhiro YOKOYAMA, et al :
Application No. 11/486,091 :
Filed: July 14, 2006 :
Attorney Docket No. 5407-0102PUS1 :

ON PETITION

This is a decision on the petition, filed August 13, 2009, which is being treated as a petition requesting that the requirement of 37 CFR 3.81(b) be waived or suspended pursuant to 37 CFR 1.183.

The petition is **DISMISSED**.

37 CFR 1.183 provides that in an extraordinary situation, when justice requires, any requirement of the regulations which is not a requirement of the statutes may be suspended or waived by the Commissioner.

Petitioner has requested that 37 CFR 3.81(b) be waived to provide the complete listing of assignees on the issued patent. Petitioner has requested a Certificate of Correction under 37 CFR 1.323 to correct the Assignee's name on the issued patent. Further, petitioner is requesting that both the request for a Certificate of Correction and the instant Petition be granted such that a Certificate of Correction will issue with the correction "Mochida Pharmaceutical Co., Ltd.," Since the petition does not include an extraordinary situation that justice requires, the USPTO does not have the authority to waive this requirement.

Telephone inquiries regarding this communication should be directed to Diane C. Goodwyn at (571) 272-6735.


Thurman K. Page
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/486,112	07/14/2006	Takashi Saiki	030104A	3297
38834	7590	08/28/2008	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP			NGUYEN, JOSEPH H	
1250 CONNECTICUT AVENUE, NW			ART UNIT	PAPER NUMBER
SUITE 700			2815	
WASHINGTON, DC 20036			MAIL DATE	DELIVERY MODE
			08/28/2008	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.



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Westerman, Hattori, Daniels & Adrian, LLP
1250 Connecticut Avenue, NW
Suite 700
Washington, DC 20036

In re Application of: :
Takashi Saiki :
Serial No.: 11/486,112 :
Filed: July 14, 2006 :
Attorney Docket No.: 030104A :
Title: SEMICONDUCTOR DEVICE AND METHOD :
OF MANUFACTURING THEREOF :

DECISION ON PETITION
TO REMAIL OFFICE ACTION

This is a decision on the "PETITION FOR REMAILING OF OFFICE ACTION EXPEDITED PROCESSING REQUESTED" filed on August 13, 2008.

The request is **GRANTED**.

A non-final Office action was mailed on February 28, 2008. The petition indicates that applicant did not receive this Office action. It further indicates that applicant did not know about the Office action until a status check of the PAIR records for the subject application. The petition does not state when applicant learned of the Office action.

The petition provides the required showing under MPEP § 711.03(c)(II) to establish nonreceipt of an Office action. Besides the statement from the practitioner stating that the Office action of February 28, 2008 was not received, the request provides a copy of the docket records where the nonreceived Office action would have been entered had the Office action been received. The evidence is sufficient to establish that the Office action of February 28, 2008 was not received.

Accordingly, the Office action of February 28, 2008 will be remailed and a new shortened statutory period for response to this Office action will be set to expire three months from the date of remailing.

Any inquiries regarding this decision should be directed to Edward Westin at (571) 272-1638.

Richard K. Seidel, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components



Westerman, Hattori, Daniels & Adrian, LLP
1250 Connecticut Avenue, NW
Suite 700
Washington, DC 20036

In re Application of:
Takashi Saiki
Serial No.: 11/486,112
Filed: July 14, 2006
Attorney Docket No.: 030104A
Title: SEMICONDUCTOR DEVICE AND METHOD
OF MANUFACTURING THEREOF

DECISION ON PETITION
TO REMAIL OFFICE ACTION

This is a decision on the "PETITION FOR REMAILING OF OFFICE ACTION EXPEDITED PROCESSING REQUESTED" filed on August 13, 2008.

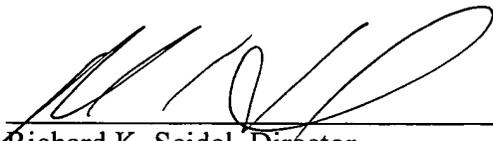
The request is **GRANTED**.

A non-final Office action was mailed on February 28, 2008. The petition indicates that applicant did not receive this Office action. It further indicates that applicant did not know about the Office action until a status check of the PAIR records for the subject application. The petition does not state when applicant learned of the Office action.

The petition provides the required showing under MPEP § 711.03(c)(II) to establish nonreceipt of an Office action. Besides the statement from the practitioner stating that the Office action of February 28, 2008 was not received, the request provides a copy of the docket records where the nonreceived Office action would have been entered had the Office action been received. The evidence is sufficient to establish that the Office action of February 28, 2008 was not received.

Accordingly, the Office action of February 28, 2008 will be remailed and a new shortened statutory period for response to this Office action will be set to expire three months from the date of remailing.

Any inquiries regarding this decision should be directed to Edward Westin at (571) 272-1638.


Richard K. Seidel, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components



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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

Mail Date: 04/20/2010

Applicant : Yasuiki Umezu : DECISION ON REQUEST FOR
Patent Number : 7579434 : RECALCULATION of PATENT
Issue Date : 08/25/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/486,123 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/14/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **238** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



WILLIAM S. RAMSEY, ESQ.
5253 EVEN STAR PLACE
COLUMBIA, MD 21044

COPY MAILED

NOV 15 2007

OFFICE OF PETITIONS

In re Application of
David Reeb et al.
Application No. 11/486,176
Filed: July 12, 2006
Attorney Docket No. TR1F

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 October 11, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by William S. Ramsey sole attorney of record. William S. Ramsey has been withdrawn.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to the first signing inventor. A courtesy copy of this decision will be mailed to the address noted on the request to withdraw.

Applicant is reminded that there is no attorney of record at this time.

There are no outstanding Office actions in this case.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.


Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: David Reeb
8558 Black Star Circle
Columbia, MD 21045

cc: Chris Hutter, Esq.
Cooley, Godward, Kronish, LLP
11951 Freedom Drive
Reston, VA 20190



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/486,176	07/12/2006	David Reeb	TRIF

24912
WILLIAM S RAMSEY, ESQ
5253 EVEN STAR PLACE
COLUMBIA, MD 21044

CONFIRMATION NO. 3569
POWER OF ATTORNEY NOTICE



Date Mailed: 11/14/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/11/2007.

- 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 Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199



Sawyer Law Group LLP
P.O. Box 51418
Palo Alto, CA 94303

COPY MAILED

MAY 12 2008

In re Application of	:	
Majid Kaabouch, et al.	:	
Application No. 11/486,232	:	DECISION ON PETITION
Filed: July 12, 2006	:	TO WITHDRAW
Attorney Docket No. 3839P	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 2, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Joseph A. Sawyer, Jr. on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is no outstanding Office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.



Terri Williams
Petitions Examiner
Office of Petitions

cc: **Majid Kaabouch**
1, Chemin Neuf
Rousset, 13790
France

cc: **Schwegman, Lundberg & Woesnner/Atmel**
P.O. Box 2938
Minneapolis, MN 55402



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/486,232	07/12/2006	Majid Kaabouch	3839P

CONFIRMATION NO. 3568

POWER OF ATTORNEY NOTICE



OC000000029869427

29141
SAWYER LAW GROUP LLP
P O BOX 51418
PALO ALTO, CA 94303

Date Mailed: 05/09/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/02/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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AUG - 8 2007

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of :
Dennis L. Schultze :
Serial No.: 11/486,237 : PETITION DECISION
Filed: July 12, 2006 :
Attorney Docket No.: 1423-086 :

This is in response to the petition under 37 CFR § 1.59(b), filed June 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 June 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.

However, no such attachment has been and/or was received on June 25, 2007. Therefore, no information can 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 Examiner
Technology Center 1600



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SEP 27 2007

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of :
Dennis L. Schultze :
Serial No.: 11/486,237 : PETITION DECISION
Filed: July 12, 2006 :
Attorney Docket No.: 1423-086 :

This is in response to the petition under 37 CFR § 1.59(b), filed September 18, 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 June 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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Beyer Law Group LLP
P.O. BOX 1687
Cupertino, CA 95015-1687

Mail Date: 04/20/2010

Applicant : David Nilson : DECISION ON REQUEST FOR
Patent Number : 7589786 : RECALCULATION of PATENT
Issue Date : 09/15/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/486,239 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/12/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **480** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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Beyer Law Group LLP
P.O. BOX 1687
Cupertino, CA 95015-1687

Mail Date: 05/17/2010

Applicant : David Nilson : NOTICE CONCERNING IMPROPER
Patent Number : 7589786 : CALCULATION OF PATENT TERM
Issue Date : 09/15/2009 : ADJUSTMENT BASED UPON USPTO
Application No : 11/486,239 : IMPROPERLY MEASURING REDUCTION
Filed : 07/12/2006 : PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **521** 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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AMGEN INC.
1120 VETERANS BOULEVARD
SOUTH SAN FRANCISCO CA 94080

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JUL 24 2008

In re Application of :
Alice Bakker et al :
Application No. 11/486,246 : DECISION GRANTING PETITION
Filed: July 12, 2006 : UNDER 37 CFR 1.137(b)
Attorney Docket No. A-1213-US-NP :

This is a decision on the petition under 37 CFR 1.137(b), filed December 17, 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 mailed April 6, 2007, is accepted as having been unintentionally delayed.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$2230 extension of time submitted with the petition on December 17, 2007 was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Patent Application Processing.

A handwritten signature in cursive script that reads "Karen Creasy". The signature is written in black ink and is positioned above the typed name.

Karen Creasy
Petitions Examiner
Office of Petitions



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E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

Mail Date: 04/26/2010

Applicant	: Atsuhiko Sato	: DECISION ON REQUEST FOR
Patent Number	: 7608784	: RECALCULATION OF PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/486,249	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **14** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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.
11/486,255	07/14/2006	Yong Hyeon Cho	116511-00191	3684

7590 02/22/2008
BLANK ROME LLP
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

EXAMINER

ART UNIT PAPER NUMBER

3745

MAIL DATE DELIVERY MODE

02/22/2008

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.


Patent Publication Branch
Office of Data Management

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FAY SHARPE/LUCENT
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland, OH 44115-1843

Mail Date: 05/13/2010

Applicant	: Oliver Blume	: DECISION ON REQUEST FOR
Patent Number	: 7616928	: RECALCULATION OF PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/486,281	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **686** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 :
Dennis L. Schultze :
Serial No.: 11/486,286 : PETITION DECISION
Filed: July 12, 2006 :
Attorney Docket No.: 1423-087

This is in response to the petition under 37 CFR § 1.59(b), filed January 10, 2008, to expunge information from the above identified application. This application has not been allowed.

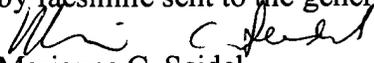
Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on January 10, 2008, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material 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.

In any event, no such attachment has been and/or was received on January 10, 2007.

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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SEP 05 2008

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of :
Dennis L. Schultze : PETITION DECISION
Serial No.: 11/486,286 :
Filed: July 12, 2006 :
Attorney Docket No.: 1423-087 :

This is in response to the petition under 37 CFR § 1.59(b), filed August 26, 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 January 10, 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.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner'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
Technology Center 1600



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United States Patent and Trademark Office
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E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

Mail Date: 04/26/2010

Applicant	: Timothy Allan Bell	: DECISION ON REQUEST FOR
Patent Number	: 7601780	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/486,287	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **378** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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WESTERMAN, HATTORI, DANIELS &
ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

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MAR 07 2008

In re Application of :
Takashi Saiki :
Application No. 11/486,294 : DECISION GRANTING PETITION
Filed: July 14, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 030104B :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 7, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

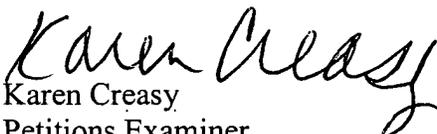
The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 16, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2812 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

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Paper No.: _____

DATE : 07/13/09

TO SPE OF : ART UNIT 1797

SUBJECT : Request for Certificate of Correction for Appl. No.: 11486302 Patent No.: 7438807 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9C62-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: ok

/Duane Smith/

Duane Smith SPE

AU1797

SPE

Art Unit

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SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 07/13/09

TO SPE OF : ART UNIT 1797

SUBJECT : Request for Certificate of Correction for Appl. No.: 11486302 Patent No.: 7438807 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (C of C)
Randolph Square 9C62-D
Palm Location 7580**

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: ok

/Duane Smith/

Duane Smith SPE

AU1797 _____

SPE

Art Unit


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BIB DATA SHEET
CONFIRMATION NO. 3303

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
11/486,326	07/13/2006	702	1631	06-288		
APPLICANTS Everett Ramer, Pittsburgh, PA; Oleg P. Lapets, Allison Park, PA;						
** CONTINUING DATA *****						
** FOREIGN APPLICATIONS *****						
** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 08/03/2006						
Foreign Priority claimed 35 USC 119(a-d) conditions met Verified and Acknowledged	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No /MICHAEL L BORIN/ Examiner's Signature	<input type="checkbox"/> Met after Allowance Initials	STATE OR COUNTRY PA	SHEETS DRAWINGS 15	TOTAL CLAIMS 23	INDEPENDENT CLAIMS 1
ADDRESS MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606 UNITED STATES						
TITLE Neuronal profiling						
FILING FEE RECEIVED 1280	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:			<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 6-27-08

TO SPE OF : ART UNIT 1646

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/486332 Patent No.: 7339032

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the COCIN document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please check the cols.
Please complete the response (see below) and forward the completed response to scanning using document code COCX.

E Young
Certificates of Correction Branch
703-308-9390 ext. 117

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- Approved** All changes apply.
- Approved in Part** Specify below which changes do not apply.
- Denied** State the reasons for denial below.

Comments: _____

Changes within column 313 of the patent actually
exist in column 312 - as there is no column 313!

Guy... 1646
SPE Art Unit



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EMPK & SHILOH, LLP
116 John St., Suite 1201
New York NY 10038

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FEB 06 2008

In re Application of

MEIRI, Dror

Application No. 11/486,365

Filed: July 13, 2006

Attorney Docket No. **ELG-P-9088-US**

OFFICE OF PETITIONS

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 6, 2007.

The request is **APPROVED**.

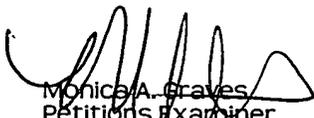
A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Andrew L. Tiajloff on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed January 24, 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: **DROR MEIRI**
20 FRANK PELEG STREET
HAIFA, ISRAEL 34987



Richard C. Conover
Suite 404
104 East Main Street
P.O. Box 1329
Bozeman MT 59771-1329

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FEB 05 2007

OFFICE OF PETITIONS

In re Application of	:	
Hanson et al.	:	
Application No. 11/486,407	:	DECISION ON PETITION
Filed: July 13, 2006	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 772.03	:	

This is a decision on the petition, filed November 9, 2006, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on July 14, 2006. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

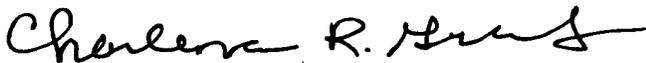
- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date was previously mailed on October 26, 2006.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being forwarded to Technology Center Art Unit 3636 for examination in due course.



Charlema R. Grant
Petitions Attorney
Office of Petitions



**VESTA INGREDIENTS, INC.
5767 THUNDERBIRD RD.
INDIANAPLIS, IN 46236**

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NOV 08 2007

OFFICE OF PETITIONS

In re Application of
Sangyeol KWON
Application No. 11/486,419
Filed: July 13, 2006
Attorney Docket No. 06VI001

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 14, 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 August 04, 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 October 05, 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 \$750; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of August 04, 2006 is accepted as having been unintentionally delayed.

The revocation of power of attorney and the statement under 37 CFR 3.73(b) filed by the assignee with the petition on August 14, 2007 has been accepted and made of record.

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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**BARNES & THORNBURG LLP
11 SOUTH MERIDIAN
INDIANAPOLIS, IN 46204**

MAILED

AUG 24 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Sangyeol Kwon :
Application No. 11/486,419 :
Filed: July 13, 2006 :
Attorney Docket No. 47858-206908 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 12, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, October 21, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the application became abandoned on January 22, 2009. A Notice of Abandonment was mailed May 21, 2009.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810, and (3) an adequate statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$555 extension of time fee submitted with the petition on August 12, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Application No. 11/486,419

Page 2

Further, the Power of Attorney filed August 12, 2009, is hereby accepted and made of record. The Notice of Acceptance of Power of Attorney is enclosed.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center 1651 for further examination on the merits.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Enclosed: Notice of Acceptance of Power of Attorney



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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/486,419	07/13/2006	Sangyeol Kwon	06VI001

23643
BARNES & THORNBURG LLP
11 SOUTH MERIDIAN
INDIANAPOLIS, IN 46204

CONFIRMATION NO. 3043
POA ACCEPTANCE LETTER



Date Mailed: 08/20/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/12/2009.

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.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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DAVID W. CARRITHERS
CARRITHERS LAW OFFICE, PLLC
6200 Dutchman's Lane
STE 206
Louisville KY 40205

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JUN 20 2008

In re Application of :
Hoelscher : DECISION ON PETITION
Application No. 11/486,427 :
Filed: July 13, 2006 :
Docket No.: AI123/2005.B :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed April 25, 2008.

The Notice of Abandonment mailed February 26, 2008 indicated that the instant application was abandoned for failure to timely submit a proper reply to the non-final Office action mailed August 9, 2007.

Petitioners assert that a response to the non-final Office action, including petition for three month extension of time, was timely February 11, 2008.

The original response submitted February 19, 2008 (certificate of mailing date of February 11, 2008) has been located in the application file.

In view of the evidence thereof, the petition to withdraw the holding of abandonment is hereby GRANTED.

The Notice of Abandonment is hereby VACATED and the holding of abandonment is WITHDRAWN.

The application file is being forwarded to Technology Center 3700 further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.


Alesia M. Brown
Petitions Attorney
Office of Petitions



DINESH AGARWAL, P.C.
5350 SHAWNEE ROAD
SUITE 330
ALEXANDRIA VA 22312

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MAY 01 2009

OFFICE OF PETITIONS

In re Application of :
Song et al. :
Application No. 11/486,436 : DECISION ON PETITION
Filed: 07/14/2006 :
Attorney Docket No. US 1472/06 :

This is a decision on the petition under 37 CFR 1.181 (no fee), filed December 22, 2008, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the nonfinal Office action mailed April 11, 2008, which set a three (3) month shortened statutory period for reply. In the absence of a timely filed reply, the application became abandoned on July 12, 2008. On December 31, 2008, the Office mailed a Notice of Abandonment.

Petitioner asserts that the nonfinal Office action dated mailed April 11, 2008, was not received.

A review of the written record indicates no irregularity in the mailing of the Office action and in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received.

As stated in Section 711.03(c)(I)(A) of the Manual for Patent Examining Procedure:

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).

After reviewing the documents submitted on petition, the Office concludes that the showing of record is sufficient to warrant withdrawal of the holding of abandonment. The practitioner submitted a copy of the master docket showing all replies docketed for a date three months from the mail date of the nonreceived Office action. The practitioner stated the nonfinal Office action would have been entered in this docketing system had it been received and docketed. The practitioner attested to the fact that a search of the records indicated that the nonfinal Office

action was not received. Accordingly, petitioner presented the required showing under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**. The holding of abandonment is hereby withdrawn.

Technology Center Art Unit 1794 has been advised of this decision. The matter is being referred to the Technology Center's technical support staff for re-mailing of the nonfinal Office action. The three (3) month shortened statutory time period for responding to the nonfinal Office action will be set to run from the re-mailing date of the Office action.

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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JUN 23 2008

**THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219**

In re Application of	:	
JOHNSON, Richard G.	:	
Application No. 11/486,445	:	DECISION ON PETITION
Filed: July 13, 2006	:	TO WITHDRAW
Attorney Docket No. 4428-062078	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 26, 2008.

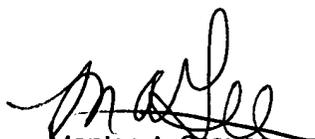
The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Kirk Miles 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 Richard G. Johnson 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: **RICHARD G. JOHNSON
5567 HAMPTON STREET
PITTSBURGH, PA 15206**



FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 FIFTH AVENUE
16TH Floor
NEW YORK NY 10001-7708

MAILED

MAY 13 2010

OFFICE OF PETITIONS

In re Application of :
Osamu Konno, et al. :
Application No. 11/486,455 : DECISION GRANTING PETITION
Filed: July 13, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 06444/LH :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 12, 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 March 2, 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 regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2862 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



SAWYER LAW GROUP, LLP
2465 E. Bayshore Road, Suite No. 406
PALO ALTO, CA 94303

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MAR 09 2009

OFFICE OF PETITIONS

In re Application of :
Makoto Nagashima :
Application No. 11/486,472 :
Filed: July 14, 2006 :
Attorney Docket No. GSN-013.1/4582P :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 23, 2008, to revive the above-identified application.

The application became abandoned for failure to file a proper reply to the Restriction/Election Requirement mailed October 12, 2007. A Notice of Abandonment was mailed on April 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 election; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 2818 for appropriate action by the Examiner in the normal course of business on the response filed with the present petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions



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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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Stephen M. De Klerk
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles CA 90025

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JUN 22 2009

In re Application of :
Onoda et al. :
Application No. 11/486,474 :
Filed: July 14, 2006 :
Attorney Docket No. 007776.P009 :

OFFICE OF PETITIONS
DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 3, 2009, to revive the above-identified application.

The petition is **GRANTED**.

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 March 2, 2009. 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 June 3, 2009. This decision precedes the mailing of a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue and publication fees of \$1810, (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

The address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to the Office of Data Management for further processing. .



Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Lester J. Vincent
1279 Oakmead Parkway
Sunnyvale, CA 94085-4040



VERNON R. YANCY, ESQ.
5514 OVERDALE DRIVE
LOS ANGELES CA 90043

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DEC 18 2006

OFFICE OF PETITIONS

In re Application of :
Phyllis M. Tascoe :
Application No. 11/486,481 : DECISION ON PETITION
Filed: 07/14/2006 :
Atty Docket No. PWT-06UP :

This is a decision on the petition filed on 6 October, 2006, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date of 14 July, 2006, with one (1) sheet of drawings containing Figure 12 described in the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 14 July, 2006.

Accordingly, on 7 August, 2006, Initial Patent Examination Division mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of 14 July, 2006, but that Figure 12 described in the specification appeared to have been omitted.

In response, on 6 October, 2006, the present petition and a copy of one (1) sheet of drawings containing Figure 12 were filed. Petitioner argues that Figure 12 was filed with the other application papers on 14 July, 2006, but was 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 "071406" and the above-identified application number, and identifies the application by the attorney docket number and invention title, and acknowledges receipt of, *inter alia*, 8 sheets of drawings. Petitioner requests that the application, including one (1) sheet of drawings containing Figure 8, be accorded a filing date of 14 July, 2006.

A review of the record reveals that seven (7) sheet of drawings containing Figures 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 were received on 14 July, 2006. No Figure 12 is located among the drawing figures received on that date. However, the evidence is convincing that the application papers deposited on 14 July, 2006, included one (1) sheet of drawings containing Figure 12, which was subsequently misplaced in the Office. Therefore, the application, including one (1) sheet of drawings containing Figure 12, is entitled to a filing date of 14 July, 2006.

The "Notice" mailed on 7 August, 2006, is vacated.

In view of the above, the petition is granted. The petition fee will be refunded as the petition was necessitated by Office error.

The application will be processed with the copy of one (1) sheet of drawings containing Figure 12 supplied on 6 October, 2006, as a part of the original disclosure.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 14 July, 2006, using the application papers filed on that date and the copy of one (1) sheet of drawings containing Figure 12 supplied with the present petition, and for an indication in Office records that eight (8) sheets of drawings were present on filing.

Telephone inquiries should be directed to the undersigned at 571-272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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QUALCOMM INCORPORATED
5775 MOREHOUSE DR
SAN DIEGO CA 92121

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FEB 19 2010

OFFICE OF PETITIONS

In re Application of :
Yue Wu :
Application No. 11/486,516 : ON PETITION
Filed: July 13, 2006 :
Attorney Docket No. 060255 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed December 15, 2009.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed July 27, 2009. This Notice set a statutory period for reply of three months. No issue fee having been received, the application became abandoned on October 28, 2009. The Office mailed a Notice of Abandonment on November 12, 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.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions



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FROM DIRECTOR'S OFFICE

AUG 13 2007

TECHNOLOGY CENTER 3600

David G. Moore
Strasburger & Price, LLP
Suite 4400
901 Main Street
Dallas, TX 75202

In re application of
Chi-Gon Chen
Application No. 11/486,518
Filed: July 13, 2006
For: COMBINATION LAMP AND
INSECT ELIMINATOR

: **DECISION ON PETITION**
: **TO MAKE SPECIAL FOR**
: **NEW APPLICATION**
: **UNDER 37 CFR 1.102**

This is a decision on the petition filed on July 18, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

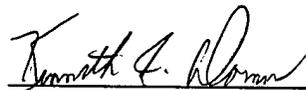
To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The petition to make special under accelerated examination under 37 C.F.R. § 1.102(d) is not acceptable because it was not electronically filed and 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 July 18, 2007 the petition must be considered under the new guidelines and thus is properly **DENIED**.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Kenneth J. Dorner, Quality Assurance Specialist, at (571) 272-6587



Kenneth J. Dorner
Quality Assurance Specialist
Technology Center 3600

Kjd: 8/9/07



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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

Mail Date: 04/21/2010

Applicant : Garo J. Derderian : DECISION ON REQUEST FOR
Patent Number : 7629024 : RECALCULATION of PATENT
Issue Date : 12/08/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/486,522 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/13/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **614** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

Mail Date: 04/21/2010

Applicant : Randal W. Chance : DECISION ON REQUEST FOR
Patent Number : 7592105 : RECALCULATION of PATENT
Issue Date : 09/22/2009 : TERM ADJUSTMENT IN VIEW
Application No : 11/486,523 : OF WYETH AND NOTICE OF INTENT TO
Filed : 07/13/2006 : ISSUE CERTIFICATE OF CORRECTION
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.



HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

COPY MAILED

JUN 11 2007

In re Application of :
G. Rodney Nelson, Jr., et al. :
Application No. 11/486,531 :
Filed: July 14, 2006 :
Attorney Docket No. 2479.2075-009 :

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed January 10, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Hamilton, Brook, Smith & Reynolds, PC has been revoked by the assignee of the patent application on May 2, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
April M. Wise
Petitions Examiner
Office of Petitions

cc: VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103



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CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 BROAD HOLLOW ROAD
SUITE 420
MELVILLE NY 11747

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JUN 17 2009

OFFICE OF PETITIONS

In re Application of
Titi Trandafir et al.
Application No. 11/486,537
Filed: July 14, 2006
Attorney Docket No. 1429-36 CIPII

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**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 12, 2009 and supplemented April 9, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by David M. Carter on behalf of all attorneys of record who are associated with Customer No. 31544

All attorneys/agents listed in the Customer No. 31544 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the Assignee Juvent, Inc. at the address indicated in the request.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: Juvent, Inc.
300 Atrium Drive, Suite 210
Somerset, NJ 08873



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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/486,537	07/14/2006	Titi Trandafir	1429-36 CIP II

31554
CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 BROAD HOLLOW ROAD
SUITE 420
MELVILLE, NY 11747

CONFIRMATION NO. 3981
POWER OF ATTORNEY NOTICE



Date Mailed: 06/03/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/09/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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445 BROAD HOLLOW ROAD
SUITE 420
MELVILLE NY 11747

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JUL 15 2009

OFFICE OF PETITIONS

In re Application of
Titi Trandafir et al.
Application No. 11/486,538
Filed: July 14, 2006
Attorney Docket No. 1429-26 CIP

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

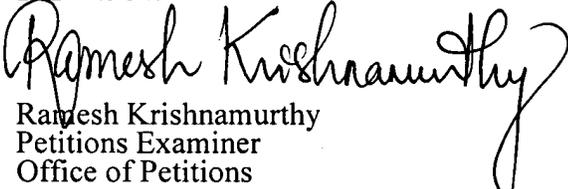
This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 12, 2009 and supplemented on April 9, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The request was signed by David M. Carter on behalf of all attorneys associated with Customer Number 31554. All practitioners of record associated with Customer Number 31554 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee Juvent, Inc., at the address indicated below.

Telephone inquiries concerning this decision should be directed to Ramesh Krishnamurthy at (571) 272 - 4914.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: Juvent, Inc.
300 Atrium Drive, Suite 210,
Somerset, NJ 08873



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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

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MAR 02 2010
OFFICE OF PETITIONS

In re Application of :
Sundeep RANGAN et al. :
Application No. 11/486,540 : **DECISION ON PETITION**
Filed: July 14, 2006 :
Attorney Docket No. **061159** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 03, 2009, to revive the above-identified application.

The petition is **GRANTED**.

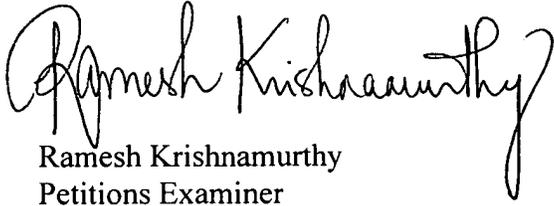
The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 03, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 04, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1620, and (3) a proper statement of unintentional delay. Accordingly, the response to the non-final office action of April 03, 2008 is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1110 extension of time fee submitted with the petition on December 03, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 2617 for appropriate action on the concurrently filed amendment.

A handwritten signature in black ink, reading "Ramesh Krishnamurthy". The signature is written in a cursive style with a large initial 'R' and a long, sweeping tail.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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MORRIS O'BRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY UT 84102

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MAY 08 2007

OFFICE OF PETITIONS

In re Application of :
Ann Merrill, Joyce Leung and :
Eddy Chik :
Application No. 11/486,556 : ON PETITION
Filed: July 14, 2006 :
Atty Docket No. 3275.PCRA.NP :

This is in response to the "PETITION UNDER 37 C.F.R. § 1.47(b) WITH STATEMENT OF FACTS IN SUPPORT THEREOF" filed January 9, 2007. This petition was submitted by Provo Craft and Novelty, Inc., presumably as assignee of the subject application.

Pursuant to 37 CFR 3.73(b), a party must be established as the assignee by satisfying the requirements of that subsection, in order to be recognized as an owner or part owner, for purposes of taking action in patent matters before the Office.

§ 3.73 Establishing right of assignee to take action.

(a) The inventor is presumed to be the owner of a patent application, and any patent that may issue therefrom, unless there is an assignment. The original applicant is presumed to be the owner of a trademark application or registration, unless there is an assignment.

(b)(1) In order to request or take action in a patent or trademark matter, the assignee must establish its ownership of the patent or trademark property of paragraph (a) of this section to the satisfaction of the Director. The establishment of ownership by the assignee may be combined with the paper

that requests or takes the action. Ownership is established by submitting to the Office a signed statement identifying the assignee, accompanied by either:

(i) Documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment). The documents submitted to establish ownership may be required to be recorded pursuant to § 3.11 in the assignment records of the Office as a condition to permitting the assignee to take action in a matter pending before the Office; or

(ii) A statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

(2) The submission establishing ownership must show that the person signing the submission is a person authorized to act on behalf of the assignee by:

- (i) Including a statement that the person signing the submission is authorized to act on behalf of the assignee; or
- (ii) Being signed by a person having apparent authority to sign on behalf of the assignee, e.g., an officer of the assignee.

The action taken by the assignee, and the 37 CFR 3.73(b) submission establishing that the assignee is the appropriate assignee to take such action, can be combined in one paper. The establishment of ownership by the assignee must be submitted prior to, or at the same time as, the paper requesting or taking action is submitted. 37 CFR 3.73(c). If the submission establishing ownership is not present, the action sought to be taken will not be given effect. If the submission establishing ownership is submitted at a later date, that date will be the date of the request for action or the date of the assignee's action taken. See also MPEP 324.

The instant petition was filed by the assignee. The petition included a 3.73(b) statement. However, the 3.73(b) statement does not include either documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment) or a statement 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). Nor is such evidence present in the record of the application.

In view thereof, the petition is DISMISSED.

It is further noted that no declaration for patent executed by the assignee on behalf of the non-signing inventors was received with the petition (or previously filed in this application). Further, petitioner should take note that acceptance of a declaration under § 1.47(b) requires:

(1) an acceptable oath or declaration in compliance with 37 C.F.R. §1.63 and 1.64 or 1.175;

(2) the rule 47 applicant must state his or her relationship to the inventor as required by 37 C.F.R. §1.64;

(3) proof that the non-signing inventor cannot be found or reached after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(4) the petition fee;

(5) a statement of the last known address of the non-signing inventor;

(6) that rule 47 applicant make out a prima facie case (i) that the invention has been assigned to him or her or (ii) that the inventor has agreed in writing to assign the invention to him or her or (iii) otherwise demonstrate a proprietary interest in the subject matter of the invention; and

(7) rule 47 applicant must prove that the filing of the application is necessary (i) to preserve the rights of the parties or (ii) to prevent irreparable damage.

If Ms. Debbie Smith is the person who made the attempts to contact the non-signing inventors, then the petition should include her statement. Further, the statement should include the exact facts relied on to conclude that the inventors are unavailable. Further, adequate proof requires that such facts

support a conclusion 1) that diligent efforts were undertaken to reach the inventors or 2) that the inventors by their conduct, in not responded, after receiving all of the application papers have refused to join in the application.

Finally, the petition as it does not include a 3.73(b) statement, which would include an assignment, also does not satisfy requirement (6) above. Petitioner merely states that the joint inventors were each retained by the petitioner at the time the invention was conceived and constructively reduced to practice. Where is the assignment or agreement to assign?

Further correspondence with respect to this decision should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By fax: (571) 273-8300
 ATTN: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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PRINCETON NJ 08540

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In re Application of :
PERSSON et al. : LETTER REGARDING
Application No. 11/486,586 : PATENT TERM ADJUSTMENT
Filed: July 14, 2006 :
Atty Docket No. 6224.220-US :

This letter is in response to the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT," filed December 2, 2009. Pursuant to applicants' duty of good faith and candor to the Office, applicants request that the determination of patent term adjustment under 35 U.S.C. 154(b) be reviewed for accuracy.

The request for review of the initial Determination of Patent Term Adjustment is GRANTED.

The Office has updated the PALM and PAIR screen to reflect that the Patent Term Adjustment (PTA) determination at the time of the mailing of the notice of allowance is **zero (0) days**. A copy of the updated PAIR screen is enclosed.

On September 2, 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 was 72 days. On December 2, 2009, applicants submitted the instant comment.

Applicants request that the Office recalculate the period of patent term adjustment because it may too long. Applicants do not state a specific basis for the request for review of the determination of patent term adjustment for accuracy. However,

applicants direct the Office's attention to the Request for Continued Examination, filed March 9, 2009; the first Notice of Allowance mailed January 13, 2009; and the Supplemental Information Disclosure Statement, filed May 21, 2009.

A review of the application history confirms that applicant should have been assessed a delay under 37 CFR 1.704(c)(10) for the submission of Information Disclosure Statements on April 8, 2009, and May 21, 2009, as well as the submission of the Amendments under § 1.312 on May 15, 2009, and May 21, 2009.

37 CFR 1.704(c)(10) provides:

Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:

(i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper;

or

(ii) Four months;

In this instance, it is undisputed that applicant submitted Information Disclosure Statements on April 8, 2009, and May 21, 2009, as well as Amendments under § 1.312 on May 15, 2009, and May 21, 2009, after the mailing of the notice of allowance on January 13, 2009. Moreover, a review of Information Disclosure Statements submitted on April 8, 2009, and May 21, 2009, reveals that they did not include § 1.704(d) statements.¹ Thus,

¹ Pursuant to 37 CFR 1.704(d):

A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a

applicants failed to engage in reasonable efforts to conclude prosecution of the application pursuant to 37 CFR 1.704(c)(10).

Pursuant to 37 CFR 1.704(c)(10), applicants should have been assessed the following periods of reduction:

- the lesser period of 120 days for the submission of the IDS on April 8, 2009 (§ 1.704(c)(10)(ii));
- 111 days for the submission of amendment under § 1.312 on May 15, 2009, from May 15, 2009, date the amendment under § 1.312 was filed, to September 2, 2009, the mailing date of the Office action or notice in response to the amendment;
- 105 days for the submission of amendment under § 1.312 on May 21, 2009, from May 21, 2009, date the amendment under § 1.312 was filed, to September 2, 2009, the mailing date of the Office action or notice in response to the amendment; and,
- 105 days for the submission of IDS on May 21, 2009, from May 21, 2009, date the IDS was filed, to September 2, 2009, the mailing date of the Office action or notice in response to the IDS.

37 CFR 1.704(c) provides that "[c]ircumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application ... will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping."

In this instance, the periods under 37 CFR 1.704(c)(10), overlap. Specifically, the overlap of the periods of reduction is May 15, 2009 to September 2, 2009. Therefore, a period of reduction of 37 days will be entered for the non-overlapping

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.

period from April 8, 2009 to May 14, 2009. A second period of reduction of 111 day will be entered for the period from May 15, 2009 to September 2, 2009. (The period of reduction for the submission of the amendment under § 1.312 and the IDS on May 21, 2009, completely overlap with the period from May 15, 2009 to September 2, 2009).

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is **zero (0) days** (240 days of Office delay - 316 (27 + 80 + 61 + 37 + 111) days of applicant delay).

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 as set forth in 37 CFR 1.18(e). The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicant will be notified in the Issue Notification letter that is mailed to applicant approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of updated PAIR screen

PALM INTRANET

PTA Calculations for Application: 11/486586

Application Filing Date:	07/14/2006	PTO Delay (PTO):	240
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	168
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-148		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
96	02/16/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		111	
95	02/16/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		37	
84	09/02/2009	MAIL NOTICE OF ALLOWANCE	55		57
83	08/19/2009	DOCUMENT VERIFICATION			
82	08/19/2009	ISSUE REVISION COMPLETED			
81	08/19/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
80	08/17/2009	EXAMINER'S AMENDMENT COMMUNICATION			
79	08/17/2009	NOTICE OF ALLOWABILITY			
78	04/08/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
77	03/09/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
76	05/21/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
73	05/21/2009	SUBSTITUTE SPECIFICATION FILED			
72	06/04/2009	DATE FORWARDED TO EXAMINER			
71	05/21/2009	SUPPLEMENTAL RESPONSE			
70	05/21/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
69	04/08/2009	REFERENCE CAPTURE ON IDS			
68	04/08/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
67	05/21/2009	DATE FORWARDED TO EXAMINER			
66	05/21/2009	SUPPLEMENTAL RESPONSE			
65	05/21/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
64	05/21/2009	DATE FORWARDED TO EXAMINER			

63	05/15/2009	SUPPLEMENTAL RESPONSE			
62	04/08/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
61	03/26/2009	EMAIL NOTIFICATION			
60	03/09/2009	REFERENCE CAPTURE ON IDS			
59	03/09/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
58	03/20/2009	DATE FORWARDED TO EXAMINER			
57	03/09/2009	REQUEST FOR CONTINUED EXAMINATION (RCE)			
56	03/20/2009	DISPOSAL FOR A RCE / CPA / R129			
55	03/09/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
54	03/09/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
53	02/27/2009	FINISHED INITIAL DATA CAPTURE			
52	03/02/2009	MAIL ACKNOWLEDGEMENT OF PRIORITY PAPERS			
51	02/26/2009	ACKNOWLEDGEMENT OF PRIORITY PAPERS			
50	01/27/2009	SEQUENCE FORWARDED TO PUBS ON TAPE			
49	01/12/2009	EXPORT TO INITIAL DATA CAPTURE			
48	01/13/2009	ELECTRONIC REVIEW			
47	01/13/2009	EMAIL NOTIFICATION			
46	01/13/2009	EMAIL NOTIFICATION			
45	01/13/2009	MAIL EXAMINER'S AMENDMENT			
44	01/13/2009	MAIL NOTICE OF ALLOWANCE	52		34
43	01/06/2008	ISSUE REVISION COMPLETED			
42	01/06/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
41	01/06/2009	CASE DOCKETED TO EXAMINER IN GAU			
40	01/06/2008	DOCUMENT VERIFICATION			
39	12/19/2008	EXAMINER'S AMENDMENT COMMUNICATION			
38	12/19/2008	NOTICE OF ALLOWABILITY			
37	09/28/2008	PARALEGAL TD ACCEPTED			
36	07/22/2008	TERMINAL DISCLAIMER FILED		0	34
35	09/24/2008	DATE FORWARDED TO EXAMINER			
34	07/22/2008	RESPONSE AFTER NON-FINAL ACTION		61	27
33	07/22/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
32	02/15/2008	TERMINAL DISCLAIMER FILED		80	24

31	03/07/2008	PARALEGAL TD ACCEPTED			
30	02/14/2008	TERMINAL DISCLAIMER FILED			
29	02/26/2008	ELECTRONIC REVIEW			
28	02/23/2008	EMAIL NOTIFICATION			
27	02/22/2008	MAIL NON-FINAL REJECTION			
26	02/19/2008	NON-FINAL REJECTION			
25	12/05/2007	DATE FORWARDED TO EXAMINER			
24	11/27/2007	RESPONSE AFTER EX PARTE QUAYLE ACTION			
23	09/28/2007	ELECTRONIC REVIEW			
22	09/27/2007	EMAIL NOTIFICATION			
21	09/27/2007	MAIL EX PARTE QUAYLE ACTION (PTOL - 326)	133		18
20	09/24/2007	EX PARTE QUAYLE ACTION			
19	01/31/2007	DATE FORWARDED TO EXAMINER			
18	01/17/2007	RESPONSE AFTER NON-FINAL ACTION		27	15
17	01/17/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
16	10/12/2006	CASE DOCKETED TO EXAMINER IN GAU			
15	09/21/2006	MAIL NON-FINAL REJECTION			
14	09/18/2006	NON-FINAL REJECTION			
13	07/14/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
12	08/07/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
11	08/07/2006	CASE DOCKETED TO EXAMINER IN GAU			
10	07/14/2006	REFERENCE CAPTURE ON IDS			
9.7	07/14/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	07/14/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	08/01/2006	APPLICATION DISPATCHED FROM OIPE			
7	08/01/2006	APPLICATION IS NOW COMPLETE			
6	07/21/2006	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
5	07/21/2006	CLEARED BY OIPE CSR			
4	07/21/2006	CASE CLASSIFIED BY OIPE			
3	07/20/2006	IFW SCAN & PACR AUTO SECURITY REVIEW			
2	07/14/2006	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
1	07/14/2006	INITIAL EXAM TEAM NN			

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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MINNEAPOLIS, MN 55458-1009

Mail Date: 04/20/2010

Applicant	: Leonard Forbes	: DECISION ON REQUEST FOR
Patent Number	: 7601593	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/486,597	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **518** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.