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DIW Oct-09

BARRY W. CHAPIN, ESQ.
CHAPIN INTELLECTUAL PROPERTY LAW, LLC
WESTBOROUGH OFFICE PARK
1700 WEST PARK DRIVE, SUITE 280
WESTBOROUGH MA 01581

COPY MAILED

NOV 0 5 2009

OFFICE OF PETITIONS

In re Application of	:	
Quan et al	:	
Application No.: 11/500,587	:	ON PETITION
Filing Date: August 7, 2006	:	
Attorney Docket No. IBM06-08	:	

This is a decision on the petition under 37 CFR 1.137(a), filed on February 19, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

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

This application became abandoned on October 2, 2008, for failure to timely file a response to the nonfinal rejection mailed on July 1, 2008, which set a three (3)-month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. A Notice of Abandonment was mailed on February 2, 2009.

Petitioner asserts that the nonfinal rejection mailed July 1, 2008, was never received

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

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

the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. 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 § 1.17(l);

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

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

This petition lacks item (3) above.

As to item (3), the Office may revive an abandoned application if the delay in responding to the relevant outstanding office requirement is shown to the satisfaction of the Director to have been "avoidable." **See**, 37 CFR 1.137(a)(3). Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

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

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

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

Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicate that the Office action was not received;

3. 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, and

4. 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.

Petitioner has failed to meet (4). A copy of a master docket or a statement that a master docket does not exist has not been provided. On, petition, petitioner has provided a copy of what appears to be a docket record specifically for the above-identified application. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state.

Petitioner may wish to consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the petition fee set forth in 37 CFR 1.17(m).

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

Further correspondence with respect to this matter should be 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.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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BARRY W. CHAPIN, ESQ.
CHAPIN INTELLECTUAL PROPERTY LAW, LLC
WESTBOROUGH OFFICE PARK
1700 WEST PARK DRIVE, SUITE 280
WESTBOROUGH MA 01581

COPY MAILED
JAN 28 2010

In re Application of	:	
Dennis A. Quan Jr., et al	:	
Application No. 11/500,587	:	ON PETITION
Filed: August 7, 2006	:	
Attorney Docket No. IBM06-08	:	

This is a decision on the renewed petition under 37 CFR 1.137(a), filed December 23, 2009, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure to reply in a timely manner to the nonfinal rejection mailed July 1, 2008.

Petitioner asserts unavoidable delay in that the nonfinal rejection was never received.

A review of the written record indicates no irregularity in the mailing of the nonfinal rejection 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. However, petitioner has provided a showing to establish the failure to receive the Office action and a showing to the satisfaction of the Director that the entire delay was unavoidable.

This application is being referred to Technology Center AU 2162 for review of the reply received December 23, 2009.

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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PERKINS COIE LLP
PATENT-SEA
PO BOX 1247
SEATTLE, WA 98111-1247

Mail Date: 05/10/2010

Applicant	: Craig L. Boe	: DECISION ON REQUEST FOR
Patent Number	: 7614149	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/500,601	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **335** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 : 4/6/10 **Paper No.:** —

TO SPE OF : ART UNIT 3671

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/500620 Patent No.: 7677324 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

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

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

Comments: _____

SPE 3671

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FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE WI 53202-5306

MAILED

JUN 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Tackes et al.	:	
Application No. 11/500635	:	ON REQUEST FOR
Filing or 371(c) Date: 08/08/2006	:	RECONSIDERATION OF
Atty Docket No.:	:	PATENT TERM ADJUSTMENT
092520-0103	:	

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b), filed March 12, 2010. Applicant submits that the proper patent term adjustment to be indicated on the patent is 525 days, not 200 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent. The application for patent term adjustment is properly treated under 37 C.F.R. § 1.705(b).

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and ***must*** include payment of the required fee under 37 CFR 1.18(e).

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

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

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions

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[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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ADVANTEDGE LAW GROUP, LLC
922 W. BAXTER DRIVE
SUITE 100
SOUTH JORDAN, UT 84095

Mail Date: 04/20/2010

Applicant	: Toshio Matsumiya	: DECISION ON REQUEST FOR
Patent Number	: 7631973	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/500,643	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **683** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

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APR 1 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Emmanuel MARAIS	:	
Application No. 11/500,655	:	DECISION ON PETITION
Filed: August 8, 2006	:	TO WITHDRAW
Attorney Docket No. 2800.041US1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 29, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Sawyer Law Group LLP, has been revoked by the assignee of the patent application on March 18, 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: SCHWEGMAN, LUNDBERG
& WOESSNER/ATMEL
P.O. BOX 2938
MINNEAPOLIS, MN 55402

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Paper No.

John Michael Leonard
172 Highlands Square Drive
#152
Hendersonville NC 28792-5852

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APR 29 2008

OFFICE OF PETITIONS

In re Application of :
John Michael Leonard : DECISION ON PETITION
Application No. 11/500,659 :
Filed: August 8, 2006 :
Title: Easy Satellite Finder :

This is a decision on the "Petition to Withdraw Abandonment" filed February 25, 2008.

The petition under 37 CFR § 1.181 is **DISMISSED**.

Any request for reconsideration pursuant to § 1.181 must be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. See 37 CFR §1.181(f).

The above-identified application became abandoned for failure to pay the Issue Fee[1] within three months of the mailing date, October 2, 2007, of the Notice of Allowance and Fee(s) Due. This Office action set a three-month nonextendable statutory period for reply. A reply was timely received on December 28, 2007. However, it was determined not to be sufficient to avoid abandonment, as it did not include payment of the Issue Fee. No further reply received, the above-identified application became abandoned on January 3, 2008. A courtesy Notice of Abandonment was mailed on February 19, 2008.

[1] There was no separate but concurrent requirement for payment of a Publication Fee or for filing of formal drawings. Neither a Publication Fee nor corrected drawings were required.

In response, applicant filed the instant petition. Applicant maintains that he mailed his transmittal fee form with his issue fee for his patent by a cashier's check to the Office by priority mail, delivery confirmation. Applicant maintains that he mailed all of the appropriate paperwork and check before the due date on his patent. Applicant requests withdrawal of the holding of abandonment on the basis that the check being lost is due to no fault of his own. In support thereof, applicant submits a copy of the cashier's check that was sent, a copy of the transmittal for, and the post office mailing receipt and delivery confirmation receipt.

Applicant's evidence and arguments have been considered, but not found persuasive that the cashier's check was among the papers received in the Office on December 28, 2007, and misplaced by the Office. The PTO file is the Official record of the papers received in this application. A review of the image file wrapper for this application reveals that only an issue fee transmittal was received in this application on December 28, 2007. At some point, it was noted thereon that "no check for $720.00" was received. Consistent with this conclusion, the fee records for this application do not indicate that any payments were received on or about December 28, 2007 in this application. Where the records of the Office (e.g., the file of the application) contain any document(s) or fee(s) corresponding to the contents of the correspondence at issue, the Office will rely upon its official record of the contents of such correspondence in absence of convincing evidence (e.g., a postcard receipt under MPEP § 503 containing specific itemization of the document(s) or fee(s) purported to have been filed with the correspondence at issue) that the Office received and misplaced any document(s) or fee(s) that is not among the official records of the Office.

An applicant alleging that a paper was filed in the USPTO and later misplaced has the burden of proving the allegation by a preponderance of evidence. The best evidence of what was filed on December 28, 2007, is a postcard receipt. 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.

It does not appear that applicant utilized a return postcard receipt when mailing his response to the Notice. Thus,

applicant does not have such evidence to show that the papers filed December 28, 2007 included both an Issue Fee transmittal and a cashier check. The USPS receipt, the delivery confirmation receipt and the copy of the cashier's check submitted by applicant do not constitute persuasive evidence that the paper filed December 28, 2007 included the cashier's check. It is undisputed that the Issue Fee transmittal was received on December 28, 2007. The USPS receipt and delivery confirmation do not establish that the papers filed December 28, 2007 included more than the Issue Fee transmittal. Likewise, the presentation of a cashier's check merely shows that one was produced on that date; however, the mere existence of the cashier's check does not establish that it was timely filed in the Office. Moreover, applicant has not produced any evidence that the check was cashed by the Office.

Under the circumstances, withdrawal of the holding of abandonment is not warranted. Applicant may file a request for reconsideration of this decision. Alternatively, applicant is not precluded from filing a petition to revive under 37 C.F.R. 1.137(a) or (b).

37 CFR 1.137(a) provides, in pertinent part, that:

If the delay in reply by applicant or patent owner was unavoidable, a petition may be filed pursuant to this paragraph to revive an abandoned application. A grantable petition pursuant to this paragraph must be accompanied by:

> (1) The reply required to the outstanding Office action or notice, unless previously filed;
> (2) The petition fee as set forth in § 1.17(l);
> (3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and
> (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

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

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

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 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, 671 F.2d at 538, 213 U.S.P.Q. at 982. Nonetheless, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines, 673 F. Supp. at 316-17, 5 U.S.P.Q.2d at 1131-32.

Any petition to revive under 37 CFR 1.137(a) must include the required reply (payment of the $720 Issue Fee), the petition fee (currently $255 for a small entity, which is not refundable) and a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable. As this application was filed after June 8, 1995, no terminal disclaimer is required.

37 CFR 1.137(b) provides, in pertinent part, that:

Where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent. A petition filed pursuant to 37 C.F.R. §1.137(b) must be accompanied by:

> (1) The reply required to the outstanding Office action or notice, unless previously filed;

(2) The petition fee as set forth in § 1.17(m);

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

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

Any petition to revive under 37 CFR 1.137(b) must include the required reply (payment of the $720 Issue Fee), the petition fee (currently $770 for a small entity, which is not refundable) and a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. As this application was filed after June 8, 1995, no terminal disclaimer is required.

37 CFR 1.137(a) is more exacting than 37 CFR 1.137(b). A petition based on unavoidable delay is less expensive, but requires a showing (i.e., persuasive evidence) that the entire delay was unavoidable. Any form used must be supplemented with evidence to meet petitioner's burden of showing that the entire delay was unavoidable. A petition based on unintentional delay is more expensive, but generally requires only a statement that the entire delay was unintentional. Forms for completing either type of 1.137 petition are available at www.uspto.gov.

Receipt of the change of address filed April 16, 2008 is acknowledged and made of record.

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

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

Nancy Johnson
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Paper No.

John Michael Leonard
172 Highlands Square Drive
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Hendersonville NC 28792-5852

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AUG 2 9 2008

OFFICE OF PETITIONS

In re Application of :
John Michael Leonard : DECISION ON PETITION
Application No. 11/500,659 :
Filed: August 8, 2006 :
Title: Easy Satellite Finder :

This is a decision on the "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)" filed May 23, 2008.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to pay the Issue Fee[1] within three months of the mailing date, October 2, 2007, of the Notice of Allowance and Fee(s) Due. This Office action set a three-month nonextendable statutory period for reply. A reply was timely received on December 28, 2007. However, it was determined not to be sufficient to avoid abandonment, as it did not include payment of the Issue Fee. No further reply received, the above-identified application became abandoned on January 3, 2008. A courtesy Notice of Abandonment was mailed on February 19, 2008. By decision mailed April 29, 2008, a prior petition to withdraw the holding of abandonment filed February 25, 2008 was dismissed.

In reply, applicant promptly filed the instant petition. The petition includes the required reply (payment of the $720 Issue

[1] There was no separate but concurrent requirement for payment of a Publication Fee or for filing of formal drawings. Neither a Publication Fee nor corrected drawings were required.

Fee), the petition fee and a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. As this application was filed after June 8, 1995, no terminal disclaimer is required. Applicant has met all requirements for revival pursuant to 37 CFR 1.137(b).

The Office of Data Management (formerly known as the Office of Patent Publication) has been advised of this decision. The application is, thereby, forwarded for processing into a patent.

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

Nancy Johnson
Senior Petitions Attorney
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OFFICE OF PETITIONS

In re Application of :
Dario Leonardo Goldfarb. :
Application No. 11/500,663 :
Filed: August 8, 2006 :
Attorney Docket No.YOR920060311US

ON PETITION

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

The petition is **DISMISSED**.

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

The above-identified application became abandoned for failure to reply to the non-final Office action mailed March 23, 2007, which set a shortened statutory period for reply of three (3) months from its mailing date. No response was received within the allowable period, and the application became abandoned on August 24, 2007. A Notice of Abandonment was mailed on October 10, 2007.

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

[1]As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

[2] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer required by 37 CFR 1.137(c).

The instant petition lacks items (1) and (3).

The Commissioner is responsible for determining the standard for unavoidable delay and for applying that standard.

"In the specialized field of patent law, . . . the Commissioner of Patent and Trademarks is primarily responsible for the application and enforcement of the various narrow and technical statutory and regulatory provisions. The Commissioner's interpretation of those provisions is entitled to considerable deference."[3]

"[T]he Commissioner's discretion cannot remain wholly uncontrolled, if the facts **clearly** demonstrate that the applicant's delay in prosecuting the application was unavoidable, and that the Commissioner's adverse determination lacked **any** basis in reason or common sense."[4]

"The court's review of a Commissioner's decision is 'limited, however, to a determination of whether the agency finding was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.'"[5]
"The scope of review under the arbitrary and capricious standard is narrow and a court is not to substitute its judgment for that of the agency."[6]

The standard

"[T]he question of whether an applicant's delay in prosecuting an application was unavoidable must be decided on a case-by-case basis, taking all of the facts and circumstances into account."[7]

---

[3]Rydeen v. Quigg, 748 F.Supp. 900, 904, 16 U.S.P.Q.2d (BNA) 1876 (D.D.C. 1990), aff'd without opinion (Rule 36), 937 F.2d 623 (Fed. Cir.1991) (citing Morganroth v. Quigg, 885 F.2d 843, 848, 12 U.S.P.Q.2d (BNA) 1125 (Fed. Cir. 1989); Ethicon, Inc. v. Quigg 849 F.2d 1422, 7 U.S.P.Q.2d (BNA 1152 (Fed. Cir. 1988) ("an agency' interpretation of a statute it administers is entitled to deference"); see also Chevron U.S.A. Inc. v. Natural Resources Defence Council, Inc., 467 U.S. 837, 844, 81 L. Ed. 694, 104 S. Ct. 2778 (1984) ("if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute.")

[4]Commissariat A L'Energie Atomique et al. v. Watson, 274 F.2d 594, 597, 124 U.S.P.Q. (BNA) 126 (D.C. Cir. 1960) (emphasis added).

[5]Haines v. Quigg, 673 F. Supp. 314, 316, 5 U.S.P.Q.2d (BNA) 1130 (N.D. Ind. 1987) (citing Camp v. Pitts, 411 U.S. 138, 93 S. Ct.1241, 1244 (1973) (citing 5 U.S.C. §706 (2)(A)); Beerly v. Dept. of Treasury, 768 F.2d 942, 945 (7th Cir. 1985); Smith v. Mossinghoff, 217 U.S. App. D.C. 27, 671 F.2d 533, 538 (D.C. Cir.1982)).

[6]Ray v. Lehman, 55 F.3d 606, 608, 34 U.S.P.Q2d (BNA) 1786 (Fed. Cir. 1995) (citing Motor Vehicles Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43, 77 L.Ed.2d 443, 103 S. Ct. 2856 (1983)).

[7]Id.

The general question asked by the Office is: "Did petitioner act as a reasonable and prudent person in relation to his most important business?"[8] Nonawarness of a PTO rule will not constitute unavoidable delay.[9]

Application of the standard to the current facts and circumstances

In the instant petition, petitioner maintains that the circumstances leading to the abandonment of the application meet the aforementioned unavoidable standard and, therefore, petitioner qualifies for relief under 37 CFR 1.137(a). In support thereof, petitioner asserts that the non-final Office action mailed March 23, 2007, was not received.

As to item (1), a response to the non-final Office action did not accompany the petition. The renewed petition must be accompanied by a response to the non-final Office action (copy enclosed).

With regard to item (3) above, the aforementioned argument of petitioner in support of petitioner's belief that the above-cited application was unavoidably abandoned is not persuasive. The reasons petitioner's argument must necessarily fail are addressed below.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> [t]he showing requires to establish nonreceipt of an Office communication must include a statement from the fractioned stating that the Office communication was not received by the practioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practioner's statement.

Petitioner did not make the showing required by MPEP 711.03(c) cited above. A renewed petition under 37 CFR 1.137(a) should provide the statements and docketing records as indicated above.

---

[8]See In re Mattulah, 38 App. D.C. 497 (D.C. Cir. 1912).

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

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b) (enclosed). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee ($1,540.00 for a large entity and $770.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

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

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Copy—Non-final Office action mailed March 23, 2007

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.
11/500,663	08/08/2006	Dario Leonardo Goldfarb	YOR920060311US	4645

7590 03/23/2007
Theresa O'Rourke Nugent
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1820 Bellew Place
South Plainfield, NJ 07080

EXAMINER
EOFF, ANCA

ART UNIT	PAPER NUMBER
1709	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

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

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	11/500,663	GOLDFARB, DARIO LEONARDO	
	Examiner	Art Unit	
	Anca Eoff	1709	

-- 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 *08 August 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) *1-35* 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) *1-35* is/are rejected.

7)☒ Claim(s) *10 and 11* 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) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *08/08/2006*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 18 - 34 have been renumbered .

2. Claims 10 and 11 are objected to because of the following informalities: "the surface modification prices" should be changed to "the surface modification process".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 is an unfinished sentence and will be examined as" The radiation-sensitive multi-layer structure of claim 14 wherein the fluorinated layer is Poly(1,1,2,4,4,5,5,6,7,7-decafluoro-3-oxa-1,6-heptadiene). "

Claim Rejections - 35 USC § 102

4. 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 –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-11, 23-24 and 26-33 are rejected under 35 U.S.C. 102(e) as being anticipated by French et al (US Pg-Pub2005/0286031).

With regard to claim 1, French et al. disclose a process for immersion photoresist comprising:

a) applying a photoresist layer onto a substrate (par.0064); and

b) applying a fluorinated polymer layer onto the photoresist layer (par.0064 and par.0074, where the fluorinated polymer layer is defined as a topcoat).

With regard to claim 2, French et al. further disclose that the fluorinated polymer is a copolymer of two or more monomers, such as tetrafluoroethylene (par.0041).

With regard to claims 3, 4 and 5, French et al. further disclose the fluorinated polymer Cytop ™ (par.0041), which is a composition comprised of :

-a fluorinated resin (poly(1,1,2,4,4,5,5,6,7,7-decafluoro-3-oxa-1,6-heptadiene), which is a poly(difluoromethylene oxide) , and

- a fluorinated solvent (perfluorotributylamine).

With regard to claim 6, French et al. further disclose that the fluorinated polymer is a homopolymer of 1,1,2,3,3,4,4-heptafluoro-4-((trifluoroethenyl)oxy)-1-butene (par.0041).

Poly(1,1,2,3,3,4,4-heptafluoro-4-((trifluoroethenyl)oxy)-1-butene) is the equivalent of poly(1,1,2,4,4,5,5,6,7,7-decafluoro-3-oxa-1,6 heptadiene) of the instant application.

With regard to claim 7, French et al. further disclose the step of diluting the fluorinated polymer before deposition (par.0074 and par.0148).

With regard to claims 8, 9 and 10, French et al. further disclose that the fluorinated polymer is diluted with a fluorinated organic solvent, such as perfluoro-2-butyltetrahydrofuran (par.0074 and par.0148, where the solvent is listed under the commercial name Fluorinert™ FC-75).

With regard to claim 11, French et al. further disclose perfluorotributylamine as a diluter (par.0041).

With regard to claims 23-24, French et al. disclose a process comprising:

a) applying a photoresist layer onto a substrate (par.0064); and

b) applying a fluorinated polymer layer onto the photoresist layer (par.0064 and par.0074, where the fluorinated polymer layer is defined as a topcoat).

The fluorinated polymer should be able to tune the contact angle of the top surface of the photoresist layer to the values claimed by the applicant since it has the same composition as the one in the instant application and there is no record to prove the contrary.

With regard to claim 26, French et al. further disclose that the fluorinated polymer is a copolymer of two or more monomers, such as tetrafluoroethylene (par.0041).

With regard to claims 27, 28 and 29, French et al. disclose the fluorinated polymer Cytop ™ (par.0041), which is a composition comprised of :

-a fluorinated resin (poly(1,1,2,4,4,5,5,6,7,7-decafluoro-3-oxa-1,6-heptadiene), which is a poly(difluoromethylene oxide) , and

- a fluorinated solvent (perfluorotributylamine).

With regard to claim 30, French et al. disclose the step of diluting the fluorinated polymer before deposition (par.0074 and par.0148).

With regard to claims 31, 32 and 33, French et al. further disclose that the diluter is Fluorinert ™ FC-75 (perfluoro-2-butyltetrahydrofuran) or perfluorotributylamine (par. 0041, par. 0074 and par. 0148).

6. Claims 1, 23 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Streefkerk et al. (US Pg-Pub 2005/0175776).

With regard to claims 1 and 23, Streefkerk et al. disclose a process comprising:

a) providing a substrate (layer W in fig.10 and par.0106):

b) applying a photoresist layer onto the substrate(fig 10 and par.0106);

c) applying a topcoat containing fluorinated polymer onto the photoresist layer, in order to provide the desired degree of liquidphilicity (fig. 10 and par.0106, par.0107).

With regard to claim 24, Streefkerk et al. further disclose that the contact angle of the topcoat containing fluorinated polymer is 118° (par.0107).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 13-21, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over French et al. (US Pg-Pub2005/0286031) in view of Bauer et al. (US Patent 6,420,102).

With regard to claims 13, 14 and 34, French et al. disclose a process for immersion photoresist comprising:

a) applying a photoresist layer onto a substrate (par.0064), and

b) applying a fluorinated polymer layer onto the photoresist layer (par.0064 and par.0074, where the fluorinated polymer layer is defined as a topcoat).

French et al. fail to disclose a barrier/intermediate layer between the photoresist and the fluorinated polymer layer.

Bauer et al. disclose a multilayer structure comprising an image forming layer, a barrier layer and protective overcoat layer (column 10, lines 2-17).

The barrier layer serves as a physical and chemical barrier to the diffusion of the various chemical components present in the material or produced during imaging and/or development (column 10, lines 5-9).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to place the barrier layer as disclosed by Bauer et al. between the the photoresist layer and the fluorinated polymer layer (topcoat) taught by French et al., in order to reduce the diffusion of the various chemical components present in the

material or produced during imaging and/or development (Bauer et al., column 10, lines 5-9).

With regard to claims 15,16 and 20, French et al. further disclose that the fluorinated polymer layer is a fluorinated polymer composition and a diluter (par.0074 and par.0148).

The fluorinated polymer composition is a Teflon AF, which is a copolymer of tetrafluoroethylene (par.0074, par.0148 and table on page 11).

The diluter is Fluorinert™ FC-75 (perfluoro-2-butyltetrahydrofuran) (par.0074, par.0148, and table on page 11).

With regard to claims 17, 18 and 19, French et al. further disclose Cytop ™ (par.0041), which is a composition comprised of :

-a fluorinated resin (poly(1,1,2,4,4,5,5,6,7,7-decafluoro-3-oxa-1,6-heptadiene), which is a poly(difluoromethylene oxide) , and

- a fluorinated solvent (perfluorotributylamine).

With regard to claim 21, French et al. further disclose that the fluorinated polymer is a polymer of 1,1,2,3,3,4,4-heptafluoro-4-((trifluoroethenyl)oxy)-1-butene (par.0041).

Poly(1,1,2,3,3,4,4-heptafluoro-4-((trifluoroethenyl)oxy)-1-butene) is the equivalent of poly(1,1,2,4,4,5,5,6,7,7-decafluoro-3-oxa-1,6 heptadiene) of the instant application.

With regard to claim 35, French et al. disclose a process comprising the following steps:

a) providing a substrate (silicon wafer in par.0140);

b) applying the photoresist (par. 0140);

c) baking the photoresist layer (post-apply bake in par.0143);

d) applying the fluorinated polymer layer (par.0144 and par.148, where the fluorinated polymer is Teflon AF and the fluorinated polymer layer is defined as topcoat);

e) exposing to radiation (par.0146);

f) baking the radiated fluorinated layer (post-exposure bake in par.0146);

g) developing the structure (par.0146); and

h) rinsing the structure (par.0146).

French et al. fail to disclose a step of applying a barrier/intermediate layer on the photoresist layer and a step of baking the barrier/intermediate layer.

Bauer et al. (US Patent 6,420,102) disclose a process comprising the following steps:

a) preparing an imaging layer formulation (column 34, line 11);

b) drying the imaging layer (column 34, line 61);

The layer can be dried in forced air at a temperature of 20°C to about 100°C (column 29, lines 52-53).

c) applying a barrier layer formulation on the imaging layer (column 34, lines 61-62) and drying the barrier layer (column 37, line 26);

d) applying the protective layer on top of the barrier layer (column 37, lines 27-28);

e) exposing the materials to a suitable source of radiation (column 31, line 35);

e) developing (column 31, line 61).

The barrier layer serves as a physical and chemical barrier to the diffusion of the various chemical components present in the material or produced during imaging and/or development (column 10, lines 5-9).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to include the steps of applying a barrier layer formulation and drying/baking it, as disclosed by Bauer et al. between the step c) of baking the photoresist layer and the step d) of applying a fluorinated polymer (topcoat) taught by French et al., in order to reduce the diffusion of the various chemical components present in the material or produced during imaging and/or development (Bauer et al., column 10, lines 5-9).

9. Claims 12 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over French et al. (US Pg-Pub2005/0286031) in view of Maekawa et al. (US Pg-Pub 2007/0019032).

French et al. disclose a process comprising:

a) applying a photoresist layer onto a substrate (par.0064); and

b) applying a fluorinated polymer layer onto the photoresist layer (par.0064 and par.0074, where the fluorinated polymer layer is defined as topcoat).

French et al. fail to disclose that the fluorinated polymer layer is less than 5 nm.

Maekawa et al. disclose a process comprising:

a) forming a base film (number 101 in fig. 14A) on a substrate (number 100 in fig. 14A) (par.0191); and

b) forming a Teflon film(number 128 in fig. 14A) with 5nm or less in thickness (par.0191),on the base film .

The Teflon film is formed in order to give the surface liquid-repellent properties and it is preferably formed to be a mono molecular layer level (5 nm or less in thickness) so it can be easily removed by a heat treatment or a patterning treatment (par.0018).

It would have been obvious for one of ordinary skill in the art at the time of the invention to apply the teaching of Maekawa et al. regarding the thickness of the fluorinated polymer (Teflon) layer for the process disclosed by French et al. in order to obtain an ultra-thin liquid-repellent layer that can be easily removed (Maekawa et. al , par.0018).

10. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over French et al. (US Pg-Pub2005/0286031) in view of Bauer et al. (US Patent 6,420,102) as applied to claim 14 above and in further view of Maekawa et al. (US Pg-Pub 2007/0019032).

With respect to claim 22, French modified by Bauer disclose a multi-layer structure comprising a substrate, a photoresist layer on top of the substrate, a barrier

layer on top of the photoresist and a fluorinated polymer layer (topcoat) on top of the barrier layer but fail to disclose that the fluorinated polymer layer is less than 5 nm.

Maekawa et al. disclose a structure comprising a substrate (100 in fig.14A), a base film on the substrate (101 in fig. 14A) and a Teflon film (128 in fig 14A) with 5 nm or less in thickness on the base film (par.0191).

The Teflon film is formed in order to give the surface liquid-repellent properties and it is preferably formed to be a mono molecular layer level (5 nm or less in thickness) so it can be easily removed by a heat treatment or a patterning treatment (par.0018).

It would have been obvious for one of ordinary skill in the art at the time of the invention to apply the teaching of Maekawa et al. regarding the thickness of the fluorinated polymer (Teflon) layer for the multistructure disclosed by French modified by Bauer in order to obtain an ultra-thin liquid-repellent layer that can be easily removed (Maekawa et. al , par.0018).

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anca Eoff whose telephone number is 571-272-9810. The examiner can normally be reached on Monday-Friday, 6:30 AM-4:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexa Neckel can be reached on 571-272-1446. 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.

AE AE

Barbara Gilliam

BARBARA GILLIAM
PRIMARY EXAMINER

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Theresa O'Rourke Nugent
Rademaker & Nugent
1820 Bellew Place
South Plainfield NJ 07080

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MAR 14 2008

OFFICE OF PETITIONS

In re Application of :
Dario Leonardo Goldfarb :
Application No. 11/500,663 : ON PETITION
Filed: August 8, 2006 :
Attorney Docket No. YOR920060311US :

This is a decision on the renewed petition under 37 CFR 1.137(a) filed February 26, 2008.

The renewed petition is **GRANTED.**

This application became abandoned for failure to timely reply to the non-final Office action mailed March 23, 2007. The non-final Office action set shortened statutory period for reply of three months from its mailing date. A reply was not received within the allowable period, and the application became abandoned on June 24, 2007. A Notice of Abandonment was mailed on October 10, 2007. A petition under 37 CFR 1.137(a) was filed on October 24, 2007, and dismissed by a decision mailed November 26, 2007.

The response filed February 26, 2008, is noted.

The request for refund of the petition fee is noted, but cannot be granted. A petition under 37 CFR 1.137(a) can only be considered grantable if the petition fee accompanies it. If the petition fee were not paid, the petition under 37 CFR 1.137(a) would not have been treated and dismissed, and ultimately granted. Petitioner had the option of filing a petition to withdraw the holding of abandonment, which has no fee. Petitioner, however, filed a petition under 37 CFR 1.137(a) which requires a petition fee and relief was granted under 37 CFR 1.137(a). The petition fee will not be refunded, accordingly.

The file is now being forwarded to Technology Center 1700, GAU 1795 for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Corey J Centen
24 Herridge St.
Ottawa K1S 0G7 CA CANADA

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DEC 13 2006
OFFICE OF PETITIONS

In re Application of	:	
Centen et al.	:	
Application No. 11/500,686	:	DECISION ON PETITION
Filed: August 9, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. Centen-Mobilab	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(2)(i) & (ii), filed August 9, 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 pertains to a biomaterial based solar cell. That the instant invention is manufactured in an environmentally friendly manner or that the materials used are re-useable and/or biodegradable or that through use of the instant invention burning of fossil fuels could be eliminated reduced, as alleged in the instant petition does not satisfy the materiality standard i.e., the petitioner has failed to state how the claimed invention contributes in a significant, substantial, or noticeable manner to the quality of the environment by contributing to the restoration or maintenance of basic life-sustaining natural elements.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(ii) and MPEP § 708.02, Section VI: Energy, must state that special status is sought because the invention materially contributes to (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), hydrogen fuel technologies, nuclear energy, solar energy,

etc. Category (B) would include inventions relating to the reduction of energy consumption in combustion systems, industrial equipment, household appliances, etc. If the application disclosure is not clear on its face that the claimed invention materially contributes to category (A) or (B), the petition must be accompanied by a statement under 37 CFR 1.102 by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. No fee is required.

The instant petition fails to meet the materiality standard of 37 CFR 102(c)(2)(ii). Although the disclosure is directed to a solar cell and thus the invention belongs to solar energy technology category, 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 category (A) or (B).

This lack of meeting the materiality standards of 37 CFR 102(c)(2) (i) and (ii) does not permit the applicant to enjoy the benefit of advanced examination.

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

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

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

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Ramesh Krishnamurthy at 571-272-4914, or to the undersigned at 571-272-7099.

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

The application is being forwarded to the Technology Center Art Unit 1631 for action in its regular turn.

David Bucci
Petitions Examiner
Office of Petitions

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Paper No.

WOODARD, EMHARDT, MORIARTY,
MCNETT & HENRY LLP
111 MONUMENT CIRCLE
SUITE 3700
INDIANAPOLIS IN 46204-5137

COPY MAILED

MAY 25 2007

OFFICE OF PETITIONS

In re Application of	:	
Joseph Obermiller and	:	
Clay Fette	:	DECISION ACCORDING STATUS
Application No. 11/500,697	:	UNDER 37 C.F.R. § 1.47(a)
Filed: August 8, 2006	:	
Attorney Docket No. 3433-785	:	

This is a decision on the PETITION UNDER 37 C.F.R. § 1.47(a) filed January 30, 2007.

The petition is **GRANTED**.

The above-identified application was filed on August 8, 2006, without an executed oath or declaration. By Notice to File Missing Parts of Nonprovisional Application mailed August 24, 2006, applicants were required to submit an executed oath or declaration and the surcharge for its late filing. The Notice set a two (2) month time limit for response, with extensions of time obtainable under § 1.136(a).

In response, applicants filed the instant petition (and petition fee), and the required late surcharge. Accompanying the petition was a declaration executed by joint inventor Obermiller on behalf of himself and on behalf of non-signing joint inventor Fette. This response was made timely by an accompanying petition and fee for extension of time for response within the third month. Applicants assert that status under 1.47(a) is proper because joint inventor Fette has refused to join in the application.

On petition by patent attorney Kenneth Gandy (and supporting documentary evidence) applicants have shown that a copy of the application papers (specification, including claims, drawings, and oath or declaration) were presented to the non-signing inventor and that the inventor, by his conduct in not responding, has refused to join in the application.

The declaration filed January 30, 2007, has been reviewed and found in compliance with § 1.63. The petition includes payment of the petition fee and the last known address of inventor Fette.

In view thereof, this application is hereby accorded Rule 1.47(a) status.

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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CLAY D. FETTE
12333 ACAPULCO AVENUE
PALM BEACH GARDENS, FL 33410

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MAY 25 2007

OFFICE OF PETITIONS

In re Application of	:	
Joseph Obermiller and	:	
Clay Fette	:	
Application No. 11/500,697	:	LETTER
Filed: August 8, 2006	:	
Attorney Docket No. 3433-785	:	

Dear Mr. Fette:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733.

Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

WOODARD, EMHARDT, MORIARTY,
MCNETT & HENRY LLP
111 MONUMENT CIRCLE
SUITE 3700
INDIANAPOLIS IN 46204-5137

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December 2006

THE ECLIPSE GROUP
10605 BALBOA BLVD., SUITE 300
GRANADA HILLS CA 91344

DEC 15 2006

In re Application of:
WEBER, JR. ET AL
Serial No.: 11/500,713
Filed: 08 August 2006
Attorney Docket No.: DC5002CIP

DECISION ON PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d)

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

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

In support of the petition, petition provides: a) the applicable petition fee; b) a statement that the claims are directed to a single invention and an offer to elect without traverse should a restriction or election of species requirement is made; c) a statement that a pre-examination search was made, including the search areas; d) copies of the references stated as being most closely related to the claimed subject matter; and e) a discussion of the teaching 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) a petition to make special accompanied by the applicable petition fee; b) all claims are directed to a single invention; c) a statement that a pre-examination search was made, including the search areas; d) a copy of each of the references deemed most closely related to the claimed subject matter; and e) a detailed discussion of the references pointing out with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is distinguishable over the references.

The requirements of MPEP § 708.02(VIII)(a), (b), (c) and (d) are considered to have been met. However, petitioner fails to point out with the particularity required by 37 CFR § 1.111 (b) and

(c), how the claimed subject matter is distinguishable over the *each* of the references. Therefore, petitioner fails to meet 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."

Petitioner presents a brief discussion of the cited references, and states that they do not teach the specific limitations claimed in the independent claims. However, a *detailed discussion* of how each of the references overcomes each of the independent claims is required for the petition to be granted. For instance, petitioner has not discussed exactly how the Jogoda et al, Pattantyus-Abraham, Dougherty, Fernandes and the other cited references lack a disclosure or fair teaching of the limitations of each independent claim. A mere statement alleging that the claims contain a feature not found in the relevant prior art is insufficient. Further, petitioner has not read all of the documents cited, relying instead on the abstracts, and thus concluding that the relevant prior art appears not to teach specific limitations claimed.

The burden on the petitioner is similar to that on an applicant in replying to a rejection in an Office action (both fall under 37 CFR § 1.111). To meet that burden, petitioner must set forth reasons why <u>each claim</u> is not anticipated or made obvious by <u>each supplied reference</u>. Such a statement is required under 37 CFR § 1.111 (b) and (c). A mere summary of the claims and the references, with no comparison and distinguishment between the two, is insufficient to satisfy the requirements of MPEP § 708.02(VIII)(e).

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

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

Any request for reconsideration of this decision must be submitted within 2 (two) months of the date of this decision in order to be considered timely. The essential purpose of the accelerated examination procedure cannot be achieved without discussion of how petitioner believes the claimed invention is distinguished from the prior art; therefore any resubmission of the petition must provide a detailed discussion of how each of the independent claims is not met by each of the references presented as relevant.

Any inquiry regarding this decision should be directed to Jose' G. Dees, T-Quality Assurance Specialist, at (571) 272-1569.

Jose' G. Dees, T- Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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THE ECLIPSE GROUP LLP
10605 BALBOA BLVD., SUITE 300
GRANADA HILLS, CA 91344

Mail Date: 04/21/2010

Applicant	: John Robert Weber JR.	: DECISION ON REQUEST FOR
Patent Number	: 7636396	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/500,713	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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.

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THE ECLIPSE GROUP LLP
10605 BALBOA BLVD., SUITE 300
GRANADA HILLS, CA 91344

Mail Date: 05/18/2010

Applicant : John Robert Weber JR.
Patent Number : 7636396
Issue Date : 12/22/2009
Application No : 11/500,713
Filed : 08/08/2006

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

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

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

The patent term adjustment has been determined to be **752** 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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WEISS & MOY PC
4204 NORTH BROWN AVENUE
SCOTTSDALE, AZ 85251

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MAR 06 2009

OFFICE OF PETITIONS

In re Application of :
Edgardo Clores, et al. :
Application No. 11/500,729 : ON PETITION
Filed: August 8, 2006 :
Attorney Docket No. 4180P3117 :

This is a decision in response to the petition, filed December 29, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **DISMISSED**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $1,620. If applicant 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. See 37 CFR 1.27.

The petition in the above-identified application was not accompanied by payment of the required fee. No consideration on the merits of the petition can be given until the required fee is received.

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[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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APR 08 2010

OFFICE OF PETITIONS

SUNG I. OH, PROFESSIONAL LAW CORPORATION
710 QUAIL VALLEY LANE
WEST COVINA CA 91791

In re Application of
Gerardo Solorzano-Garcia et al.
Application No. 11/500,743
Filed: August 8, 2006
Attorney Docket No.: **2167799-A**

ON PETITION

This is a decision on the petition filed March 1, 2010 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed August 6, 2009. A shortened statutory period of three months was set for replying to the non-Final Office Action. No extensions of time having been requested prior to the expiry of the extendable period, this application became abandoned November 9, 2009. Accordingly, a Notice of Abandonment was mailed February 19, 2010.

Additionally, the record reveals that after the abandonment and with the instant petition to revive, a three month extension of time was filed, however, pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $555.00 extension of time fee submitted with the petition on March 1, 2010 was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited back to the credit card used.

---

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

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

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

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

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

This matter is being referred to Technology Center 3771 for appropriate action on the amendment filed March 1, 2010.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

VAGIF ALI-ZADA
NARGUIZ ALI-ZADE
6396 OSPREY BLVD
MISSISSAUGA ON L5N 6E5 CA CANADA

In re Application of	:	
Vagif Ali-Zada	:	
Application No. 11/500,746	:	ON PETITION
Filed: August 9, 2006	:	
Attorney Docket No.	:	

This is in response to the communication, filed July 8, 2009 and resubmitted July 15, 2009 to revive the above-identified application, which is being treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

This application was held abandoned for failure to timely pay the issue and publication fees on or before April 17, 2009, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed January 16, 2009. On May 12, 2009, the Office mailed a Notice of Abandonment.

Petitioner states that applicant timely filed the reply to the Office action mailed January 16, 2009 is requesting withdrawal of the holding of abandonment.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates shows that applicant did reply to the Notice of Allowance by timely filing the Issue and Publication fee on March 24, 2009, but the requirement for corrected drawings set forth in the Notice of Allowability were not met.

Further the petition cannot be granted because petition is not properly signed.

In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

(1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);

(2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;

(3) An assignee as provided for under §3.71(b) of this chapter; or

(4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the With respect to the amendment:

The amendment filed is not acceptable. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

(1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);

(2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;

(3) An assignee as provided for under §3.71(b) of this chapter; or

(4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the petition (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

Therefore, as the petition is not signed by all the inventors and the record herein fails to disclose that petitioner herein (Narguiz Ali-zade) was ever given a power of attorney to act on behalf of inventor Vagif Ali-zada, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the petition is considered to be improper.

A review of the records also shows that petitioner filed drawings on July 8, 2009. The drawings fail to comply with the requirement of 37 CFR 1.84(d) which states:

Drawings: One or more application drawings shall be amended in the following manner: Any changes to an application drawing must be in compliance with § 1.84 and must be submitted on a

replacement sheet of drawings which shall be an attachment to the amendment document and, in the top margin, labeled "**Replacement Sheet**". Any replacement sheet of drawings shall include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is amended. Any new sheet of drawings containing an additional figure must be labeled in the top margin as "New Sheet". All changes to the drawings shall be explained, in detail, in either the drawing amendment or remarks section of the amendment paper.

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

(2) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, must be provided when required by the examiner (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

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

(1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).

(2) The petition fee as set forth in 37 CFR 1.17(m), **$810.00 for a small entity**;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

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

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

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

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

Telephone inquiries related to this decision may be directed to the April M. Wise at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement;

UNITED STATES PATENT AND TRADEMARK OFFICE

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VAGIF ALI-ZADA
NARGUIZ ALI-ZADE
6396 OSPREY BLVD
MISSISSAUGA ON L5N 6E5 CA CANADA

MAILED

FEB 23 2010

OFFICE OF PETITIONS

In re Application of Vagif Ali-Zada Application No. 11/500,746 Filed: August 9, 2006 Attorney Docket No.	: : : : :	ON PETITION

This is in response to the renewed communication, filed October 27, 2009 to revive the above-identified application, which is being treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before April 17, 2009, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed January 16, 2009. On May 12, 2009, the Office mailed a Notice of Abandonment.

Petitioner states that applicant timely filed the reply to the Office action mailed January 16, 2009 is requesting withdrawal of the holding of abandonment.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates shows that applicant did reply to the Notice of Allowance by timely filing the Issue and Publication fee on March 24, 2009, but the requirements to the Notice of Allowability were not met. While applicant did timely submit the payment for the Issue and Publication Fees, the Notice of Allowability required the filing of formal drawings to be submitted by April 17, 2009. Applicant did not file the required corrected formal drawings until July 8, 2009. The delay in filing required drawings does not constitute a grant in the withdrawal of the holding of abandonment.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

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

(1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).

(2) The petition fee as set forth in 37 CFR 1.17(m), **$810.00 for a small entity**;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Any request for reconsideration of this decision should be submitted within **TWO (2) MONTHS** from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

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

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

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

By hand: Customer Service Window
Randolph Building

401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the April M. Wise at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement;

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NARGUIZ ALI-ZADE
6396 OSPREY BLVD
MISSISSAUGA ON L5N 6E5 CA CANADA

MAILED

JUN 17 2010

OFFICE OF PETITIONS

In re Application of	:	
Vagif ALI-ZADA, et al	:	
Application No. 11/500,746	:	ON PETITION
Filed: August 9, 2006	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 12, 2010.

The petition is **DISMISSED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability (Notice), mailed January 16, 2009, which set a period for reply of **three (3) months**. Accordingly, this application became abandoned on April 17, 2009.

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

In respect to item (1): The Office acknowledges the receipt of the drawings received with the petition on April 12, 2010, however, the are not accepted because the corrections, as indicated in the Notice mailed January 16, 2009, were incomplete. In this regard, the Examiner assigned to the application has noted that there are further objections that have not been addressed. Accordingly, the submission filed April 12, 2010, cannot be accepted as complying with 37 CFR 1.137(b), the petition cannot be granted at this time.

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

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

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

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

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

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

/DCG/
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
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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VISTA IP LAW GROUP LLP
1885 Lundy Avenue
Suite 108
SAN JOSE, CA 95131

Mail Date: 04/21/2010

Applicant	: Jeffrey Scott Salowe	: DECISION ON REQUEST FOR
Patent Number	: 7594214	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/500,756	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **175** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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MORRISON & FOERSTER LLP
755 PAGE MILL ROAD
PALO ALTO, CA 94304-1018

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JUN 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
David E. Norton, Jr.	:	
Application No. 11/500,765	:	DECISION ON PETITION
Filed: August 7, 2006	:	TO WITHDRAW
Attorney Docket No. 249212041800	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 25, 2009.

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

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP has been revoked by the assignee of the patent application on May 19, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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: **QUANTUM C/O WAGNER BLECHER LLP**
123 WESTRIDGE DRIVE
WATSONVILLE, CA 95076

UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 1 5 2008

OFFICE OF PETITIONS

PHILLIP CHARLES WATTS
1404 KAY ST #1
LONGMONT, CO 80501

In re Application of	:	
Phillip Charles Watts	:	
Application No. 11/500,797	:	ON PETITION
Filed: August 8, 2006	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 27, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed August 24, 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 25, 2006.

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

A review of the application reveals that the petitioner supplied part of the required reply to the Office action mailed on August 24, 2006. The petitioner failed to submit the required fee of $10 for the Utility Examination fee under 37 CFR 1.16(o) in response to the Notice. If the petitioner intends to submit a renewed petition the fee set forth under 37 CFR 1.16(f) the required fee must be submitted along with the renewed petition.

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

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

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

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

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

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

April M. Wise
Petitions Examiner
Office of Petitions

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

Winston & Strawn LLP
Patent Department
1700 K Street, N.W.
Washington, DC 20006

Mail Date: 04/21/2010

Applicant	: Bruce Kiern	: DECISION ON REQUEST FOR
Patent Number	: 7625424	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/500,816	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **499** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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BRIAN ROFFE, ESQ
11 SUNRISE PLAZA, SUITE 303
VALLEY STREAM NY 11580-6111

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OFFICE OF PETITIONS

In re Application of	:	
BREED, et al.	:	
Application No. 11/500,824	:	DECISION ON PETITION
Filed: August 8, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. ATI-444	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 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 the passport of David S. Breed 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 1773 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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REINHART BOERNER VAN DEUREN S.C.
ATTN: LINDA KASULKE, DOCKET COORDINATOR
1000 NORTH WATER STREET
SUITE 2100
MILWAUKEE, WI 53202

Mail Date: 04/20/2010

Applicant	: Peter M.J. Bedding	: DECISION ON REQUEST FOR
Patent Number	: 7658964	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/500,835	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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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CISLO & THOMAS, LLP
233 WILSHIRE BLVD
SUITE 900
SANTA MONICA, CA 90401-1211

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JAN 15 2008

OFFICE OF PETITIONS

In re Application of	:	
Brian Alexis et al	:	
Application No. 11/500,842	:	DECISION GRANTING PETITION
Filed: August 8, 2006	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 06-16432	:	

This is a decision on the petition under 37 CFR 1.137(b), filed June 27, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment and replacement drawing; (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 29, 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 Patent Application Processing.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Cislo & Thomas, LLP
1333 2nd Street
Suite #500
Santa Monica, CA 90401-4110

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JAN 1 5 2009

OFFICE OF PETITIONS

In re Application of	:	
Brian Alexis et al.	:	
Application No. 11/500,842	:	DECISION ON PETITION
Filed: August 8, 2006	:	TO WITHDRAW
Attorney Docket No. 06-16432	:	FROM RECORD
	:	

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 6, 2008.

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

A review of the file record indicates that the power of attorney to Daniel M. Cislo and all attorneys/agents associated with customer number 25189 have been revoked by the applicant of the patent application on December 5, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Marc E. Hankin, Esq.
11414 Thurston Circle
Los Angeles, CA 90049

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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

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NOV 21 2007

OFFICE OF PETITIONS

In re Application of :
John W. Ketchum et al :
Application No. 11/500,852 : ON PETITION
Filed: August 7, 2006 :
Attorney Docket No. 020068C1C1

This is a decision on the petition, filed November 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 November 9, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2611 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).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/17/09 **Paper No.:** ____

TO SPE OF : ART UNIT 2611

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/500852 Patent No.: 7430245B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

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

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

Comments:

On page 20, column 25, Claim 3,line 55, "to derived", should be --to derive--

On page 22, column 29, Claim 29, line 2, "based in on", should be --based in part on--

/Nader Bolourchi/

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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

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DEC 23 2009

OFFICE OF PETITIONS

In re Application of Raymond L. Watrous Application No. 11/500,871 Filed: August 8, 2006 Attorney Docket No. ZMC-110US	: : : : :	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 **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 certifications pursuant to 37 CFR 10.40.

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.

A. Kelley

Alicia Kelley
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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SEP 11 2009

OFFICE OF PETITIONS

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

In re Application of	:	
Arwed Cleve, et. al.	:	
Application No. 11/500,876	:	DECISION ON PETITION
Filed: August 9, 2006	:	UNDER 37 CFR §§ 1.182
Attorney Docket No. SCH-1958 C01	:	AND 1.78(a)(6)

This is a decision on the petitions under 37 CFR §§ 1.182 and 1.78(a)(6), filed April 14, 2009, 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 amendment filed on March 25, 2009.

The petition under 37 CFR 1.182 is **DISMISSED**.

The petition is accompanied by an amendment to the first sentence of the specification following the title to include a reference to the prior-filed applications. While a reference to the prior-filed nonprovisional and provisional applications was not included in an Application Data Sheet (ADS) or in the first sentence of the specification following the title as required by the rules, a reference, nevertheless, was made in the transmittal letter filed with the application.

Where a claim for priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). On the other hand, if the USPTO does not note the claim for priority to the prior-filed applications set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6)[1].

[1] *Note* MPEP 201.11 (III)(D) and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

In view of the above, the petition under 37 CFR 1.78(a)(6) is necessary and the petition fee of $1,010 ($1,410 - $400 previously submitted) will be charged to petitioner's deposit account, as authorized.

The petition under 37 CFR 1.78(a)(6) 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.

37 CFR § 1.78(a)(6) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(5)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §1.78(a)(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

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

Additionally, nonprovisional Application No. 10/841,825 was filed within twelve months of provisional Application No. 60/470,182, which was filed on May 14, 2003, for which priority is claimed. A reference to the prior-filed application was included in an amendment filed on March 25, 2009.

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, is enclosed with this decision.

The application is being referred to the Office of Data Management via Technology Center Art Unit 1626 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

Any inquiries concerning this decision may be directed to 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

Enclosure: 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
11/500,876	08/09/2006	1626	1602	SCH-1958 C01	11	1

CONFIRMATION NO. 5565

CORRECTED FILING RECEIPT

23599
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

OC000000037733667

Date Mailed: 09/10/2009

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)

Arwed Cleve, Berlin, GERMANY;
Volker Schulze, Berlin, GERMANY;
Dieter Zopf, Berlin, GERMANY;
Jens Hoffmann, Muehlenbeck, GERMANY;
Andreas Reichel, Berlin, GERMANY;
Karsten Parczyk, Berlin, GERMANY;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 10/841,825 05/10/2004 PAT 7,138,421
which claims benefit of 60/470,182 05/14/2003

Foreign Applications

If Required, Foreign Filing License Granted: 08/25/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/500,876**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

ANTI-ANDROGENIC PYRROLIDINES WITH TUMOR-INHIBITING ACTION

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 011910

DATE : January 16, 2010

TO SPE OF : ART UNIT 1626

SUBJECT : Request for Certificate of Correction for Appl. No.: 11500876 Patent No.: 7601748

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.

- [X] **Approved** — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

Joseph K. McKane
SPE

1626
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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DENNEMEYER & COMPANY LTD.
REGENT HOUSE
HEATON LANE
STOCKPORT, CHESHIRE
ENGLAND SK4 1BB,
UNITED KINGDOM

Mail Date: 04/21/2010

Applicant	: Arwed Cleve	: DECISION ON REQUEST FOR
Patent Number	: 7601748	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/500,876	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **122** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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DENNEMEYER & COMPANY LTD.
REGENT HOUSE
HEATON LANE
STOCKPORT, CHESHIRE
ENGLAND SK4 1BB,
UNITED KINGDOM

Mail Date: 05/18/2010

Applicant : Arwed Cleve
Patent Number : 7601748
Issue Date : 10/13/2009
Application No : 11/500,876
Filed : 08/09/2006

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

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

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

The patent term adjustment has been determined to be **236** 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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BANNER & WITCOFF, LTD.
ATTORNEYS FOR CLIENT NO. 016689
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

Mail Date: 04/21/2010

Applicant	: Noriaki Satoh	: DECISION ON REQUEST FOR
Patent Number	: 7635183	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/500,891	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **627** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 06/15/2010

Applicant	: Rogelio Ferrer	: DECISION ON REQUEST FOR
Patent Number	: 7631835	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/500,893	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **798** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

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NOV 2 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Yuichiro Hori, et al.	:	
Application No. 11/500,995	:	DECISION ON PETITION
Filed: August 9, 2006	:	
Attorney Docket No. 03560.125685.1	:	

This is a decision on the petition under 37 CFR 1.182, filed July 11, 2008, 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.

The issue fee in this case was paid on October 16, 2008. Therefore, the printing of the patent may have progressed to the point where the correction of the order of the inventor's name could not be included on the front page of the Letters Patent. In such event, petitioner may request a certificate of correction pursuant to the provisions of 37 CFR 1.323 and pay the required fee of $100.

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 the Office of Data Management for further processing of the patent.

Telephone inquiries regarding this decision should be directed to the April M. Wise at (571) 272-1642.

Carl Friedman
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/500,995	08/09/2006	2828	1930	03560.125685.1	21	4

CONFIRMATION NO. 5888

CORRECTED FILING RECEIPT

5514
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

OC000000033285834

Date Mailed: 11/24/2008

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)

Tatsuro Uchida, Tokyo, JAPAN;
Yuichiro Hori, Yokohama-shi, JAPAN;
Mamoru Uchida, Yokohama-shi, JAPAN;
Kohei Okamoto, Menlo Park, CA;
Yasuhiro Nagatomo, Kawasaki-shi, JAPAN;

Assignment For Published Patent Application

CANON KABUSHIKI KAISHA, Tokyo, JAPAN

Power of Attorney: The patent practitioners associated with Customer Number 05514

Domestic Priority data as claimed by applicant

This application is a CIP of 11/411,113 04/26/2006 ABN

Foreign Applications

JAPAN 2005-130718 04/28/2005
JAPAN 2005-131643 04/28/2005
JAPAN 2005-233776 08/11/2005
JAPAN 2006-052935 02/28/2006

If Required, Foreign Filing License Granted: 08/24/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/500,995**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

VERTICAL CAVITY SURFACE EMITTING LASER DEVICE

Preliminary Class

372

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : Nov. 11, 2008

TO SPE OF : ART UNIT 1751
SUBJECT : Request for Certificate of Correction for Appl. No.:/11/500996 /7315043

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.

- [x] **Approved** — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

/Lorna M. Douyon/ 1796 Art Unit

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/501,034	08/09/2006	Jeong-Ki Song	P57909	4545

7590 03/13/2009
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
BARRON JR, GILBERTO

ART UNIT	PAPER NUMBER
2432	

MAIL DATE	DELIVERY MODE
03/13/2009	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.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
03/16/2009 NFARMER 0000166501

CHECK Refund Total: $900.00

Adjustment date: 03/16/2009 NFARMER
08/10/2006 FFANAEIA 00000052 11501034
02 FC:1111 -500.00 OP
04 FC:1201 -400.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON, DC 20007-5118

MAILED

MAY 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Fredrick John Rowell, et al.	:	
Application No. 11/501,053	:	DECISION GRANTING PETITION
Filed: August 9, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 330499.00054	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 27, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Keith DS Fredlake 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. If Mr. Fredlake desires to receive future correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

The 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 22, 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.

---

[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.*

This application is being referred to Technology Center AU 2881 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MARY ELIZABETH BUSH
QUALLION LLC
P. O. BOX 923127
SYLMAR, CA 91392-3127

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JUL 3 1 2007

OFFICE OF PETITIONS

In re Application of	:	
Lu Chow et al	:	
Application No. 11/501,095	:	DECISION ON PETITION
Filed: August 8, 2006	:	
Attorney Docket No. Q227-US3	:	

This is in response to the petition under 37 CFR 1.47(a), filed October 30, 2006.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor, Lu Chow, has refused to join in the filing of the above-identified application, as demonstrated by the facts set forth in the petition.

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

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

This application is currently before Technology Center AU 2838 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3218.

Frances Hicks

Frances Hicks
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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Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Masakazu Fujio	: DECISION ON REQUEST FOR
Patent Number	: 7590651	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/501,117	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **215** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 08/03/2010

Applicant	: Christian Monereau	: DECISION ON REQUEST FOR
Patent Number	: 7648562	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/501,134	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **749** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100119

DATE : February 16, 2010

TO SPE OF : ART UNIT 1633

SUBJECT : Request for Certificate of Correction on Patent No.: 7629162

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:

Regarding Column 3, line 52 "One clone, SZ136, was…", Applicant's citation of page 4, line 27 to support the amendment from SZ136 to SZ194 is factually incorrect. However, Applicant's citation of page 32, lines 16-24, to support the amendment from SZ136 to SZ194 is correct.

/Joseph Woitach/
SPE 1633

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COHEN PONTANI LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

MAILED

APR 20 2009

OFFICE OF PETITIONS

In re Application of
Yi-Sheng Wang et al
Application No. 11/501,142
Filed: August 8, 2006
Attorney Docket No. 4910-38

ON PETITION

This is a decision on the petition, filed April 17, 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 March 9, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2881 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

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

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www.uspto.gov

HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110

Mail Date: 06/25/2010

Applicant	: Mark Stapp	: DECISION ON REQUEST FOR
Patent Number	: 7640340	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/501,150	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **652** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Paper No.

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

COPY MAILED

APR 26 2007

OFFICE OF PETITIONS

In re Application of :
Le et al. : DECISION ON PETITION
Application No. 11/501,162 :
Filed: August 8, 2006 :
Atty Docket No. 0975.1005-063 :

This is a decision on the PETITION UNDER 37 C.F.R. §1.53(e) filed February 2, 2007. Petitioners request that the Notice mailed November 30, 2006 be withdrawn and that the Office accord the above-identified application a filing date of March 14, 2006.

Application papers in the above-identified application were deposited on August 8, 2006. However, on November 30, 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, an executed oath or declaration and the statutory basic filing fee were missing. This Notice set a two-month non-extendable time period for reply.

Applicants state that the drawings, Figures 1-34 totaling 37 sheets, were submitted to the Commissioner for Patents with the specification on August 8, 2006. In support thereof, petitioner submits *inter alia* a copy of their itemized return receipt postcard and a copy of the Express Mail mailing label used to transmit the application papers. Petitioner also includes a duplicate copy of the drawings (Figs. 1-34), as originally filed on August 8, 2006. Petitioner also states that as shown by the

postcard, the application as filed on August 8, 2006 included the executed Declaration from prior application 11/182,033.

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 August 7, 2006, and the items filed therewith were assigned Application No. 11/501162; 2) it specifically identifies the items being filed, including "__X__ Drawings - Total sheets __37__" and "__X__ Copy of executed Declaration from prior Application No. 11/182,033" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard.

Furthermore, petitioners have shown that the items denoted, including 37 sheets of drawings and a signed declaration, were filed with the original application papers assigned application No. 11/501162.

Furthermore, a review of the application papers confirms that they bear Express Mail mailing label No. EV 214913958 US. Moreover, consistent with Office records showing a date of receipt of August 8, 2006, the date-in on the Express Mail mailing label is August 8, 2006. Thus, it is concluded that the date stamp on the postcard is in error and that the application papers acknowledged as received via that postcard were received on August 8, 2006, not August 7, 2006.

It is concluded that the application-as-filed included drawings and executed declaration and is entitled to a filing date.

The Notice will not be withdrawn to the extent that it required the missing statutory basic filing fee.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee is being refunded to Deposit Account No. 08-0380.

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

- **correction of the filing date to August 8, 2006** using the application papers received in the Office and presently

accorded that date; and the 37 sheets of drawings re-supplied on petition filed February 2, 2007;

- for indication in Office records, as appropriate, that 37 sheets of drawings and an executed declaration were present in the application on filing; and

- for processing of the declaration re-supplied on petition filed February 2, 2007.

Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

0 1 AUG 2008

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

FINA TECHNOLOGY INC
PO BOX 674412
HOUSTON TX 77267-4412

In re Application of	:	
FOURAGE, et al.	:	DECISION ON PETITION
Application No.: 11/501,177	:	
Filing Date: 07 August 2006	:	UNDER 37 CFR 1.182
Atty. Docket No.: F-912	:	
For: ADDITIVISING POLYMER POWDERS	:	

This is a decision on applicant's "Petition in Response to Notice of Incomplete Non-provisional Application" filed on 01 December 2006 in the United States Patent and Trademark Office (USPTO). The petition is being considered under 37 C.F.R. § 1.182. Applicant has provided payment of the $400.00 petition fee.

BACKGROUND

On 09 February 2005, applicant filed international application PCT/EP2005/50561, which claimed priority of an earlier application filed 13 February 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 09 September 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 13 August 2006.

On 07 August 2006, applicant electronically filed a utility patent application in the United States. The filing consisted of a "Fee Transmittal For FY 2006" form (Form PTO-SB/17), a copy of the published international application PCT/EP2005/50561, a copy of the international search report for PCT/EP2005/50561, a preliminary amendment and a check in the amount of $1,100.00. The application was processed as a filing under 35 U.S.C. 111(a).

On 02 October 2006, applicant was mailed a "Notice of Incomplete Nonprovisional Application"

On 01 December 2006, applicant filed the present petition which is being treated as a petition under 37 CFR 1.182 to convert the application from a U.S. utility application under 35 U.S.C. 111(a) to a U.S. National stage entry under 35 U.S.C. 371.

DISCUSSION

Applicant's filing of 07 August 2006 did not include an indication that the filing was a U.S. National stage entry under 35 U.S.C. 371 (i.e. the use of a Form PTO-1390 transmittal letter). Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in

35 U.S.C. 371(c). (See 37 CFR 1.494(f) and 37 CFR 1.495(g)). Section 1893.03(a), page 1800-114 of the MPEP states that "Applicant's initially deposited application must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371. See 37 CFR 1.495(g). Otherwise, unless the submission is clearly identified as a submission pursuant to 35 U.S.C. 154(d)(4) for the purpose of obtaining provisional rights, the application will be treated as an application filed under 35 U.S.C. 111(a). See 37 CFR 1.417.

As such, the application was properly treated as an application under 35 U.S.C. 111 and 37 CFR 1.53.

Furthermore, U.S. statutes and regulations do not make specific provision for the requested action and as such, the Office does not grant such petitions for conversion as a mere matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause (i.e., the loss of patent rights) where no other remedy is available.

Applicant is entitled to claim benefit under 35 U.S.C. 120 and 365(c) of the filing date of the international application for the common subject matter, if this application (Application No. 11/501,177) and the international application (PCT/EP2005/50561) designating the United States were copending on 07 August 2006. In order to obtain benefit of the earlier international application, applicant must amend the beginning of the specification of this application by inserting a proper reference to the parent international application. An appropriate passage would be, "This is a continuation of international application PCT/EP2005/50561, filed 09 February 2005 which designated the United States and is now abandoned."

Applicant is reminded that in order to perfect the claim for priority under 35 U.S.C. 119, applicant must submit a certified copy of the priority document. The certified copy of priority document submitted to the International Bureau for the national stage cannot be relied upon to perfect the claim for priority. See MPEP § 1896.

In addition, applicant is advised that it is possible to revive the present international application in the National Stage in the United States pursuant to 37 CFR 1.137(b). This advice should not be construed as a statement as to whether said petition will be granted.

CONCLUSION

The petition to convert the application from a 35 U.S.C. 111 filing to a national stage application under 35 U.S.C. 371 is **DISMISSED**.

Applicant's request for refund of the $400.00 petition fee is refused.

Any further correspondence with respect to this decision should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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0 2 APR 2007

FINA TECHNOLOGY INC
PO BOX 674412
HOUSTON TX 77267-4412

In re Application of	:	
FOUARGE	:	DECISION
Application No.: 11/501,179	:	
PCT No.: PCT/EP2005/050542	:	
Int. Filing Date: 08 February 2005	:	
Priority Date: 13 February 2004	:	
Attorney's Docket No.: 31223.00135	:	
For: OLEFFIN POLYMERIZATION WITH	:	
SEQUENTIAL DISCHARGING	:	

This is a decision in response to applicant's "PETITION IN RESPONSE TO NOTICE OF INCOMPLETE NON-PROVISIONAL APPLICATION" filed in the United States Patent and Trademark Office (USPTO) on 01 December 2006, which has properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 08 February 2005, applicant filed international application PCT/EP2005/050542, which claimed a priority date of 13 February 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 01 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 14 August 2006 (13 August 2006 being a Sunday).

On 07 August 2006, applicant filed a submission including an "EXPRESS MAIL CERTIFICATE OF MAILING" which itemizes a "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US), Form PTO-SB/17 (01-06)" "Based on International Application No: PCT/EP2005/050542" and fees totaling $1000.

On 02 October 2006, the Office of Initial Patent Examination of the USPTO mailed a NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b) indicating, *inter alia*, that a filing date had not been accorded to the instant application because a specification had not been provided.

On 02 December 2006, applicant filed the instant "PETITION IN RESPONSE TO NOTICE OF INCOMPLETE NON-PROVISIONAL APPLICATION", which has been properly treated as a petition under 37 CFR 1.181.

DISCUSSION

The petition urges that a complete specification was filed on 07 August 2006 as evidenced by the postcard receipt indicating a receipt date of 07 August 2006 for, *inter alia*, an "International Application (18 pages)".

It is clear from the indications on the "EXPRESS MAIL CERTIFICATE OF MAILING" filed 07 August 2006 of a "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US)" "Based on International Application No: PCT/EP2005/050542" that the documents and fees submitted on that date were for a submission to enter the national stage under 35 U.S.C. 371 for international application number PCT/EP2005/050542. There were no conflicting instructions. Accordingly, the submission should have been treated as a filing under 35 U.S.C. 371.

As noted above, a copy of the international application was communicated to the USPTO from the International Bureau on 01 September 2005. Accordingly, the NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b) mailed 02 October 2006 is hereby VACATED.

In future filings under 35 U.S.C. 371, it is suggested that petitioner use Form PTO-1390. Use of this form should avoid the application inadvertently being treated as an application filed under 35 U.S.C. 111(a) rather than under 35 U.S.C. 371.

CONCLUSION

For the reasons set forth above, applicants' petition under 37 CFR 1.181 is **DISMISSED** as **MOOT**.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for processing in accordance with this decision, that is for processing the application as a national stage application of PCT/EP2005/050542 and for preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

Daniel Stemmer
Legal Examiner

PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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FINA TECHNOLOGY INC
PO BOX 674412
HOUSTON TX 77267-4412

In re Application of	:	
FOUARGE	:	DECISION
Application No.: 11/501,179	:	
PCT No.: PCT/EP2005/050542	:	
Int. Filing Date: 08 February 2005	:	
Priority Date: 13 February 2004	:	
Attorney's Docket No.: 31223.00135	:	
For: OLEFFIN POLYMERIZATION WITH	:	
SEQUENTIAL DISCHARGING	:	

Upon further review, it has been determined that the decision mailed 02 April 2007 was in error. Accordingly, it is hereby VACATED. A new decision on the petition filed 01 December 2006 is set forth below.

BACKGROUND

On 08 February 2005, applicant filed international application PCT/EP2005/050542, which claimed a priority date of 13 February 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 01 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 14 August 2006 (13 August 2006 being a Sunday).

On 07 August 2006, applicant filed purported national stage papers in the United Staes Designated/Elected Office (DO/EO/US).

On 02 October 2006, the Office of Initial Patent Examination of the USPTO mailed a NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b) indicating, *inter alia*, that a filing date had not been accorded to the instant application because a specification had not been provided.

On 01 December 2006, applicant filed a "PETITION IN RESPONSE TO NOTICE OF INCOMPLETE NON-PROVISIONAL APPLICATION", which was properly treated as a petition under 37 CFR 1.181.

On 02 April 2007, a decision was mailed dismissing applicants' petition under 37 CFR 1.181 as moot. The decision indicated that it was clear from the indications on the "EXPRESS

MAIL CERTIFICATE OF MAILING" filed 07 August 2006 of a "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US)" "Based on International Application No: PCT/EP2005/050542" that the documents and fees submitted on that date were for a submission to enter the national stage under 35 U.S.C. 371 for international application number PCT/EP2005/050542, that there were no conflicting instructions, and that accordingly, the submission should have been treated as a filing under 35 U.S.C. 371. The decision also vacated the NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b) mailed 02 October 2006.

DISCUSSION

Petition Under 37 CFR 1.181

37 CFR 1.495(g) states, "The documents and fees submitted under paragraphs (b) and (c) of this section must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371. Otherwise, the submission will be considered as being made under 35 U.S.C. 111(a)."

In the present case, the papers filed 07 August 2006 were not clearly identified as a submission to enter the national stage under 35 U.S.C. 371. Although the paper titled "Express Mail Certification of Mailing" lists a "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US)", such transmittal letter is not present in the application file. Also, the listing of the international application number and the international filing date and the fact that the papers were sent to Mail Stop PCT does not preclude the filing of a common bypass application under 35 U.S.C. 111(a). See MPEP 1895. Although the executed declaration filed 01 December 2006 does state that it is directed to a national stage application, such declaration was not present at the time of filing.

Furthermore, the fee transmittal sheet (Form PTO/SB/17) not only fails to indicate that a submission under 35 U.S.C. 371 is being made but also contains information which is consistent with a filing under 35 U.S.C. 111(a). For instance, Form PTO/SB/17 contains a statement authorizing the USPTO to charge additional fees under 37 CFR 1.16 and 1.17. Howeover, the filing fees for a 35 U.S.C. 111(a) application are set forth in 37 CFR 1.16 whereas the filing fees for a national stage application are set forth in 37 CFR 1.492. Furthermore, Form PTO/SB/17 lists $500 for the search fee, which is consistent with an application filed under 35 U.S.C. 111(a) but inconsistent with a national stage application where the search report was prepared by the European Patent Office and provided to the USPTO, as in the present case.

Because the papers filed 07 August 2006 did not contain a clear indication that the submission was being made under 35 U.S.C. 371, the application was properly treated as a filing pursuant to 35 U.S.C. 111(a). Applicant is strongly advised to use Form PTO-1390 when entry into the national stage under 35 U.S.C. 371 is desired.

35 U.S.C. 111(a) Filing Date

A copy of the published international application PCT/EP2005/050542 was filed with the submission of 07 August 2006. The specification and drawings from that publication satisfy the specification and drawing requirements of 35 U.S.C. 111(a). Accordingly, the NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b) mailed 02 October 2006 is hereby VACATED. The 35 U.S.C. 111(a) filing date is 07 August 2006.

CONCLUSION

The decision mailed 02 April 2007 is VACATED.

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

The NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b) mailed 02 October 2006 is VACATED.

This application will be forwarded to the Office of Initial Patent Examining for processing as an application under 35 U.S.C. 111(a) having a filing date of **07 August 2006**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
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WESTBOROUGH OFFICE PARK
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WESTBOROUGH MA 01581

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OFFICE OF PETITIONS

In re Application of :
Quan, et al. :
Application No. 11/501,216 : ON PETITION
Filed: August 9, 2006 :
Attorney Docket No. IBM06-06 :
For: METHOD AND APPARATUS FOR INPUT SPECIALIZATION

This is a decision on the petition under 37 CFR 1.10(d), filed September 11, 2006 (certificate of mailing date September 7, 2006), requesting that the above-identified application be accorded a filing date of August 7, 2006, rather than the presently accorded filing date of August 9, 2006.

Petitioners contend that the above-identified application was deposited in the United States Postal Service (USPS) Express Mail service on August 7, 2006. In support of this contention, petitioners have supplied with the present petition, *inter alia*, a copy of Express Mail Receipt No. EV832578208US, bearing a "date-in" of "8 7 06" and a postal stamp of "AUG 7 2006". The original utility patent application transmittal found in the application file references Express Mail Receipt No. EV832578208US.

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

No fee has been or will be charged in connection with this matter.

This application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of **August 7, 2006** and the mailing of a corrected filing receipt reflecting the change in filing date.

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

Shirene Willis Brantley
Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

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OFFICE OF PETITIONS

In re Application of	:	
Donahue	:	
Filed: August 9, 2006	:	ON PETITION
Application No. 11/501,223	:	
Atty. Dkt. No.: 62353.000001	:	

This decision is in response to the petition filed October 25, 2006 to accord the above-identified application a filing date of August 9, 2006 with six sheets of drawings (Figures 1-6) as part of the original application as filed.

The application was filed August 9, 2006. The Notice mailed August 25, 2006 indicated that the application had not been accorded a filing date because the application appeared to have been deposited without drawings, as required per 35 USC 113.

In response, petitioner argues that the application as deposited included six sheets of drawings and has presented as proof of mailing and proof of receipt of the six sheets of drawings a return postcard date stamped by the Office on August 9, 2006. A copy of the six sheets of drawings purportedly filed with the application was submitted herewith.

The original six sheets of drawings have not been located. However, in view of the evidence presented, the petition to accord the application a filing date of August 9, 2006 is GRANTED.

Since the original six sheets of drawings cannot be located in the Office, the copy submitted herewith will be used for examination purposes.

No petition fee is due in connection with this matter.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of August 9, 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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MOSES,JOHN
Millen White Zelano and Branigan PC
Ste 1400
2200 Clarendon Blvd
Arlington VA 22201

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JUL 02 2010
OFFICE OF PETITIONS

In re Patent No. 7,481,238	:	
Issue Date: January 27, 2009	:	
Application No. 11/501,234	:	DECISION ON PETITION
Filed: August 9, 2006	:	
Attorney Docket No. PLASTO-0001	:	

This is a decision on the Petition For Certificate of Correction Pursuant To 37 C.F.R. §1.322 or §1.323, filed April 16, 2010, which is being treated as a petition under 37 CFR 3.81(b) to add assignee's name and residence to the Title Page of the Patent, via a Certificate of Correction.

The petition is **DISMISSED**.

Petitioner requests issuance of a certificate of correction in the name of "Plast-O-Matic Valves, Inc., Cedar Grove, NJ (US)"

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

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 **before issuance of the patent**, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter [emphasis added]. *See also* MPEP 1481.01.

The petition states that the error is not providing the complete assignee on the front of the patent was an U.S. Patent and Trademark Office (USPTO) printing error. However, a review of the Issue Fee Payment Form (PTOL-85B) clearly does not show the name of the assignee to be printed on the patent as *"Plast-O-Matic Valves, Inc., Cedar Grove, NJ"* and thus the error was not an USPTO error.

U.S. Patent and Trademark Office assignments records disclose that an assignment *Plast-O-Matic Valves, Inc., Cedar Grove, NJ* was submitted for recordation on June 30, 2009. Therefore, the recorded assignment was **after the date of issuance of this patent**. Accordingly, since the assignment was not submitted for recordation until after issuance of this patent, issuance of a certification of correction would not be proper.

However, the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(h), has been charged pursuant to the previous deposit account authorization on the PTOL-85(b) to charge any required fees.

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

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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MORRISON & FOERSTER
1650 TYSONS BOULEVARD, SUITE 400
MCLEAN, VA 22102

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OFFICE OF PETITIONS

In re Application of	:	
VOGT, et al.	:	
Application No. 11/501,244	:	DECISION ON PETITION
Filed: August 9, 2006	:	TO WITHDRAW
Attorney Docket No. **1525.030545**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 9, 2007.

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

A review of the file record indicates that the power of attorney to **MORRISON & FOERSTER LLP** has been revoked by the assignee of the patent application on August 10, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **PATTERSON & SHERIDAN, LLP**
GERO MCCLELLAN INFINEON QIMONDA
3040 POST OAK BLVD., SUITE 1500
HOUSTON TX 77056

UNITED STATES PATENT AND TRADEMARK OFFICE

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Timothy Adam Kieck
P.O. Box 2077
Waukesha WI 53187-2077

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OFFICE OF PETITIONS

In re Application of
Kieck
Application No. 11/501,251
Filed: August 9, 2006
Attorney Docket No. 3348

Title of Invention: Universal Preparation and Organization Station/facility and Airtight Apparatus/appliance for the Storage of Baked Goods And/or Foodstuffs with a Built in Vacuum Pump

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed September 8, 2006.

A Notice to File Missing Parts was mailed on August 28, 2006. The Notice to File Missing Parts set an extendable two (2) month period for reply. A timely reply was submitted on September 8, 2006. Thus the application was not held abandoned.

Petitioner has also filed a petition for failure to notify the office of a foreign filing. However a review of the record shows that a nonpublication request was filed on October 1, 2006. A valid nonpublication request must be submitted upon filing of the application. A petition for failure to notify the Office of a foreign filing after submission of a nonpublication request is only applicable to an applicant who has made a nonpublication request, but who subsequently files an application directed to the invention disclosed in the U.S. application in a foreign country, or under a multilateral international agreement, that requires eighteen- month publication before the nonpublication request is rescinded, must, in addition to the rescission, notify the Office of such filing within forty-five days after the date of such filing. The requirement in 35 U.S.C. 122(b)(2)(B)(iii) for notice of the foreign filing is in addition to any rescission of the nonpublication request under 35 U.S.C. 122(b)(2)(B)(ii). If an applicant files a counterpart application in a foreign country after having filed an application in the USPTO with a nonpublication request, filing a rescission of the nonpublication request

under 35 U.S.C. 122(b)(2)(B)(ii) without also providing a notice of the foreign filing in a timely manner will result in the abandonment of the U.S. application under 35 U.S.C. 122(b)(2)(B)(iii). 35 U.S.C. 122(b)(2)(B)(iii), however, also provides that an application abandoned as a result of the failure to timely provide such a notice to the Office is subject to revival if the "delay in submitting the notice was unintentional." 35 U.S.C. 122(b)(2)(B)(iii) provides for revival only on the basis of unintentional delay, and not on the basis of unavoidable delay. As such neither a petition to revive, nor a petition to withdraw the holding of abandonment is required. Further review of the record shows that the above-identified application was published on January 4, 2007.

Accordingly, the petition to withdraw the holding of abandonment is **DISMISSED AS MOOT**.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

This 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 at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant

Petitions Attorney

Office of Petitions

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OFFICE OF PETITIONS

INTEL/BLAKELY
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR
LOS ANGELES CA 90025-1030

In re Application of

Mantu Hudait, Mohamad Shaheen, Loren Chow, Peter Tolchinsky, Dmitri Loubychev, Joel Fastenau and Amy Liu

Application No.11/501,253

Filed: August 2, 2006

Attorney Docket No. 042390.P24037

Title of Invention: DISLOCATION-FREE INSB QUANTUM WELL STRUCTURE ON SI USING NOVEL BUFFER ARCHITECTURE

DECISION GRANTING PETITION UNDER 37 CFR 1.47(A)

This is in response to the petition under 37 CFR 1.47(b) filed December 27, 2006. This petition is properly treated as a petition under 37 CFR 1.47(a).

Petitioner has shown that non-signing inventor Shaheen has refused to join in the filing of the above-identified application after having been presented with the application papers. The petition attest a copy of the application was sent to non-signing inventor's last known address. The non-signing inventor's failure to respond to the application mailing sufficiently establishes that he refuses to execute the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a).

This application is hereby accorded Rule 1.47(a) status.

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

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

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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

Mohamad A. Shaheen
15060 NW Fawn Lily Drive
Portland, Oregon 97229

In re Application of
Mantu Hudait, Mohamad Shaheen, Loren Chow, Peter Tolchinsky, Dmitri Loubychev, Joel Fastenau and Amy Liu
Application No.11/501,253
Filed: August 2, 2006
Attorney Docket No. 042390.P24037
Title of Invention: DISLOCATION-FREE INSB QUANTUM WELL STRUCTURE ON SI USING NOVEL BUFFER ARCHITECTURE

LETTER

COPY MAILED

MAR 0 1 2007

OFFICE OF PETITIONS

Dear Mr. Shaheen:

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

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Charlema R. Grant at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

INTEL/BLAKELY
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR
LOS ANGELES CA 90025-1030
ATTN: James M. Howard

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

Mail Date: 04/21/2010

Applicant	: Mantu K. Hudait	: DECISION ON REQUEST FOR
Patent Number	: 7573059	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/501,253	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/02/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **81** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 04/21/2010

Applicant	: Stanley M. Granat	: DECISION ON REQUEST FOR
Patent Number	: 7596006	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/501,263	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **420** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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: 07/02/2010

Applicant	: Claudia Jeanette Smith-Espinoza	: DECISION ON REQUEST FOR
Patent Number	: 7659449	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/501,283	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **101** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

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OFFICE OF PETITIONS

In re Application of	:	
Yi-Chih Chen	:	
Application No.: 11/501285	:	
Filing or 371(c) Date: 08/08/2006	:	
Attorney Docket Number:	:	
58208/C1024	:	ON PETITION

This is a decision on the "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action (MPEP 711.03(c) and 37CFR 1.181," filed November 23, 2007.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed December 15, 2007. The Office action set a three (3) month period for reply. No response having been received, the application became abandoned on March 16, 2007. A Notice of Abandonment was mailed September 18, 2007.

With the instant petition, Applicant has demonstrated non-receipt of the Office Action by a preponderance of the evidence.

The holding of abandonment is hereby withdrawn. No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 2176 for re-mailing of the Office action and for e-setting the period for reply.

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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MICHAEL V. PFAENDER
5964 LAKESIDE AVE.
TOLEDO, OH 43611

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AUG 13 2007

OFFICE OF PETITIONS

In re Application of
Michael V. Pfaender
Application No. 11/501,298
Filed: August 9, 2006
Attorney Docket No.

DECISION ON PETITION

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed August 25, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. On December 28, 2006 the petitioner filed the required reply without an extension of time under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on October 26, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a new specification, claims and abstract on December 28, 2006, (2) the petition fee of $750; and (3) a proper statement of unintentional delay.

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

This application is being referred back to the Office of Initial Patent Examination for pre-examination processing.

April M. Wise
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/501,302	08/09/2006	Sung-Min Kim	21C0383US	7366

23413 7590 04/22/2010
CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER
QI, ZHI QIANG

ART UNIT	PAPER NUMBER
2871	

NOTIFICATION DATE	DELIVERY MODE
04/22/2010	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):

usptopatentmail@cantorcolburn.com

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ALEXANDRIA, VA 22313-1450
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CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

In re Application of Sung-Min Kim *et al.*	:	
Appl. No.: 11/501,302	:	DECISION ON PETITION
Filed: August 9, 2006	:	UNDER 37 C.F.R. § 1.59
For: DUAL DISPLAY APPARATUS	:	

This is a decision on the petition under 37 C.F.R. §1.59(b), filed February 22, 2010, to expunge information unintentionally submitted on December 23, 2009 (Electronically Acknowledgement Receipt EFS ID #6699520) from the above-identified application.

The petition is DENIED.

Petitioner requests that the Information Disclosure Statement (IDS) and the Chinese Reference CN 1627137 submitted on December 23, 2009, be expunged from the record because they were unintentionally submitted in the instant application and contains information, other than the original disclosure of the application, where the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party on whose behalf the information was submitted. Petitioner commits to retain the information for the period of any patent with regard to which such information is submitted and submits that the information to be returned is not material to information under 37 CFR 1.56.

Pursuant to M.P.E.P. § 724.05,

"II. INFORMATION UNINTENTIONALLY SUBMITTED IN APPLICATION
A petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that:
(A) the Office can effect such return prior to the issuance of any patent on the application in issue;
(B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;
(C) the information has not otherwise been made public;

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

The petition does not satisfy all the conditions required for a grantable petition to expunge information unintentionally or inadvertently filed on December 23, 2010. Specifically, the Chinese reference CN 1627137 is the publication of application No. 200410047812 that was published on June 15, 2005. As such, condition (C) above cannot be satisfied for a grantable petition to expunge. The information submitted December 23, 2010 (Electronically Acknowledgement Receipt EFS ID #6699520) will remain in the file record.

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

Richard K. Seidel, Group Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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Paper No.

LAURENCE C. BONAR
917 LOGAN ST
PORT TOWNSEND WA 98368-2337

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AUG 1 1 2008

In re Application of	:	
Donald J. Macdonald et al.	:	
Application No. 11/501,310	:	DECISION ON PETITION
Filed: August 8, 2006	:	PURSUANT TO
Attorney Docket Number: MM-02	:	37 C.F.R. § 1.137(B)
Title: APPARATUS AND METHOD FOR	:	
TRANSPORTING A VESSEL	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed April 28, 2008, to revive the above-identified application.

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

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed August 6, 2007, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on November 7, 2007. A notice of abandonment was mailed on March 7, 2008.

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

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

§ 1.17(m);

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

(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee, an amendment, and the proper statement of unintentional delay. A terminal disclaimer is not required. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement is not applicable.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on April 28, 2008 can be processed.

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

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[1]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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MAY 22 2009

OFFICE OF PETITIONS

MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE WI 53202

In re Application of	:	
CITOW Jonathan S.	:	
Application No. 11/501,330	:	DECISION ON PETITION
Filed: August 09, 2006	:	TO WITHDRAW
Attorney Docket No. **022336-9002 US00**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 14, 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 Julie A. Hunt on behalf of all attorneys of record who are associated with customer No. 23409. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Jonathan S. Citow at the address indicated below.

There is an outstanding Office action mailed April 28, 2009 that requires a reply from the applicant.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **JONATHAN S. CITOW**
565 JACKSON AVENUE
GLENCOE, IL 60022

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Harles L. Henderson
1340 Sean Way
Marietta, GA 30066

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FEB 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Charles Lee Henderson	:	
Application No. 11/501,333	:	DECISION ON PETITION
Filed: April 12, 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 January 9, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by the applicant. Accordingly, the above-identified application has been accorded "special" status.

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

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center 3700 at 571-272-1173.

The application is being forwarded to the Technology Center Art Unit 3742 action on the merits commensurate with this decision.

Kimberly Inabinet

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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Christie, Parker & Hale, LLP
PO Box 7068
Pasadena, CA 91109-7068

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OFFICE OF PETITIONS

In re Application of	:	
Mordehay Carmel	:	
Application No. 11/501,365	:	DECISION ON PETITION
Filed: August 8, 2006	:	TO WITHDRAW
Attorney Docket No. 57927/C1101	:	FROM RECORD
	:	

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 16, 2008.

The request is **APPROVED**.

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

The request was signed by Gregory S. Lampert 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 Mordehay Camel at the address indicated below.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Mordehay Carmel**
2222 Foothill Bl.
Suite E241
La Canada, CA 91011

cc: **Mordehay Carmel**
500 N. Osceola Ave., #609
Clearwater, FL 33755

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/501,365	08/08/2006	Mordehay Carmel	57927/C1101

CONFIRMATION NO. 6313

POWER OF ATTORNEY NOTICE

23363
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

OC000000033390175

Date Mailed: 12/02/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/16/2008.

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

/tswilliams/

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

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SUITE 530
LAS VEGAS NV 89128

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OFFICE OF PETITIONS

In re Application of	:	
Philip Howard Thompson	:	
Application Number: 11/501,378	:	ON PETITION
Filing Date: 08/08/2006	:	
Attorney Docket Number:	:	
SKYWKS.0036P	:	

This is a decision on the petition filed on June 20, 2008, under 37 CFR 1.137(a),[1] to revive the above-identified application.

The petition is **dismissed**.

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

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[1] A grantable petition under 37 CFR 1.137(a) must be accompanied by:

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

(3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

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

letter entitled "Renewed Petition under 37 CFR 1.137(a)" or, as discussed below, "Petition under 37 CFR 1.137(b)."

The application became abandoned on May 8, 2008, for failure to timely submit corrected drawings in response to the Notice of Allowability mailed on February 7, 2008, which set a three (3)-month statutory period for reply. Notice of Abandonment was mailed on June 5, 2008.

Petitioner states, in pertinent part:

> On August 8, 2006, the applicant's attorney and Examiner conducted a telephone interview of this case. In the telephone interview, the applicant's attorney discussed the claimed subject matter, objections to the drawings, and possible claim amendments. The applicant's attorney did not believe, at the time of the telephone interview, that amendments to the drawings were required. As such, applicant's attorney did not generate, at that time, a docket reminder to have drawing amendments executed. Likewise, applicant's attorney did not generate an action item entry for drawing amendments on his personal 'to do' list.
>
> During docketing of the Notice of Allowance, applicant's attorney properly docketed the due date for the Issue Fee Payment, but neglected to properly docket the need for drawing amendments.

The Director may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to be "unavoidable".[2] Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities

[2] 35 U.S.C. § 133.

> 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.[3]

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).[5] Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[4]

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:

(1) the error was the cause of the delay at issue;

(2) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance;

(3) and 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.[5]

An adequate showing requires:

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

[4] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

[5] See MPEP 711.03(c)(III)(C)(2).

(A) Statements by all persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts as they know them.

(B) Petitioner must supply a thorough explanation of the docketing and call-up system in use and must identify the type of records kept and the person responsible for the maintenance of the system. This showing must include copies of mail ledgers, docket sheets, filewrappers and such other records as may exist which would substantiate an error in docketing, and include an indication as to why the system failed to provide adequate notice that a reply was due.

(C) Petitioner must supply information regarding the training provided to the personnel responsible for the docketing error, degree of supervision of their work, examples of other work functions carried out, and checks on the described work which were used to assure proper execution of assigned tasks.

The present petition lacks the showing required by (1), (2), and (3) above.

At the outset, it is noted that petitioner states that "the applicant's attorney performs the docketing himself."

If the error which led to the failure to docket the Notice was made by counsel himself, such error would not be considered a clerical error by a reliable and trusted employee of counsel, but rather a mistake on the part of counsel.

The U.S. Patent and Trademark Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and applicant is bound by the consequences of those actions or inactions.[6] Specifically, petitioner's delay caused by the mistakes or negligence of his voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 U.S.C. § 133.[7]

A delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an "unavoidable" delay.[8] A delay caused by an

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[6] Link v. Wabash, 370 U.S. 626, 633-34 (1962).

[7] Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N. D. Ind. 1987); 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 (Comm'r Pat. 1891).

[8] Id.

applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (1) the applicant's reliance upon oral advice from Office employees; or (2) the Office's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action.[9]

Additionally, the arguments presented suggest that counsel intended to rely upon a docketed reminder made at the time of filing rather than the Notice of Allowability. Petitioner is reminded that the Notice of Allowability, mailed concurrently with the Notice of Allowance and Issue Fee Due, set forth a statutory period of three months from the mailing date in which petitioner was required to submit formal drawings. Thus, the Notice of Allowability and the Notice of Allowance set forth concurrent but distinct requirements with which petitioner was required to comply.

As such, regardless of whether petitioner was informed that corrected drawings were required at the time the application was filed, the Notice of Allowability required corrected drawings to be filed. Petitioners must demonstrate that there was a docketing error with regard to the Notice of Allowability.

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

ALTERNATIVE VENUE

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b),[10] which now provides that where the delay in

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

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

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

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

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

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

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

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

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

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

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failure to pay the publication fee, the required reply must include payment of the publication fee.

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

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

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

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: PTO/SB/64

PTO/SB/64 (08-08)
Approved for use through 08/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	Date
Typed or printed name	Registration Number, if applicable
Address	Telephone Number
Address	

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Nov-08

WEIDE & MILLER, LTD.
7251 W. LAKE MEAD BLVD.
SUITE 530
LAS VEGAS NV 89128

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NOV 19 2008

In re Application of	:	
Philip Howard Thompson	:	
Application Number: 11/501378	:	
Filing Date: 08/08/2006	:	ON PETITION
Attorney Docket Number:	:	
SKYWKS.0036P	:	

This is a decision on the petition under 37 CFR 1.137(b)[1] filed on October 17, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on May 8, 2008, for failure to timely submit corrected drawings in response to the Notice of Allowability mailed on February 7, 2008, which set a three (3)-month statutory period for reply. Notice of Abandonment was mailed on June 5, 2008. On June 20, 2008, a petition under 37 CFR 1.137(a) was filed. On August 14, 2008, the petition was dismissed. On October 17, 2008, the subject petition was filed.

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

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

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

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

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

Receipt of the replacement drawing filed in response to the Notice of Allowability is acknowledged.

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

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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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PIPER RUDNICK, LLP
ONE LIBERTY PLACE
1650 MARKET STREET, SUITE 4900
PHILADELPHIA, PA 19103

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OCT 01 2007

OFFICE OF PETITIONS

In re Application of	:	
Leonard S. Girsh	:	
Application No. 11/501,380	:	DECISION ON PETITION
Filed: August 9, 2006	:	TO WITHDRAW
Attorney Docket No. IPI-06-1229R	:	FROM RECORD
	:	

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

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Piper Rudnick, LLP has been revoked by the applicant of the patent application on August 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
Petitions Examiner
Office of Petitions

cc: DR. LEONARD S. GIRSH
IMMUNOPATH PROFILE, INC.
325 DUNES BOULEVARD
SUITE 403
NAPLES, FL 34110

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

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

Mail Date: 04/21/2010

Applicant	: Douglas P. Malinowski	: DECISION ON REQUEST FOR
Patent Number	: 7632498	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/501,391	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **150** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SWANSON & BRATSCHUN, L.L.C.
8210 SOUTHPARK TERRACE
LITTLETON, CO 80120

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OFFICE OF PETITIONS

In re Application of	:	
Joseph W. Guiles et al.	:	
Application No. 11/501,418	:	DECISION ON PETITION
Filed: August 9, 2006	:	
Attorney Docket No. RDYN.12/US	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed August 28, 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 29, 2006. A Notice of Abandonment was mailed on May 9, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a signed oath or declaration, with the required $65 surcharge fee, (2) the petition fee of $770, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,115 extension of time fee submitted with the petition on January 16, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

There is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature 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.

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

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 January 16, 2008.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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HOWARD IP LAW GROUP
P.O. BOX 226
FORT WASHINGTON, PA 19034

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In re Application of Stanley M. Granat Application No. 11/501,430 Filed: August 9, 2006 Attorney Docket No. OR-07724	: : : : :	ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 17, 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 28, 2006, requiring replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d). 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) was obtained. Accordingly, the application became abandoned on October 29, 2006. A Notice of Abandonment was mailed on May 9, 2007. On September 17, 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 drawings; (2) the petition fee of $1,540; 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 drawings provided September 17, 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

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Mail Date: 04/21/2010

Applicant	: Stanley M. Granat	: DECISION ON REQUEST FOR
Patent Number	: 7656141	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/501,430	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **664** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 05/18/2010

Applicant : Stanley M. Granat
Patent Number : 7656141
Issue Date : 02/02/2010
Application No : 11/501,430
Filed : 08/09/2006

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

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

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

The patent term adjustment has been determined to be **710** 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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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

Mail Date: 04/20/2010

Applicant	: Jeremy M. Stein	: DECISION ON REQUEST FOR
Patent Number	: 7580450	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/501,451	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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SEP 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Bradley, George A.	:	DECISION ON PETITION
Application No. 11/501,461	:	TO WITHDRAW
Filed: August 8, 2006	:	FROM RECORD
Attorney Docket No. 19834-003001	:	

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, 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 complies with all of the above-listed items.

However, the Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record. The person signing the request, John C. Phillips, is not currently an attorney of record and therefore cannot sign the request on behalf of all practitioners of record. Accordingly, the request cannot be approved at this time.

There is an outstanding Office action mailed July 20, 2009 that requires a reply. Failure to timely do so will result in abandonment of the application.

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

Liana Walsh
Petitions Examiner
Office of Petitions

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MAR 15 2010

In re Application of	:	
Bradley, George A.	:	DECISION ON PETITION
Application No. 11/501,461	:	TO WITHDRAW
Filed: August 8, 2006	:	FROM RECORD
Attorney Docket No. 19834-003001	:	

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 11, 2009.

The request is **APPROVED**.

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

The request was signed by Fred C. Hernandez on behalf of all attorneys/agents of record. All attorneys/agents of record have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first-named inventor, George A. Bradley, at the address indicated below.

The application is currently abandoned for failure to timely respond to the Office action mailed on July 20, 2009. A Notice of Abandonment was mailed on February 22, 2010 to the above-indicated address.

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

Liana Walsh
Petitions Examiner
Office of Petitions

cc: GEORGE A. BRADLEY
1459 POWELL ROAD
OCEANSIDE CA 92056

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MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE, WI 53202

Mail Date: 04/21/2010

Applicant	: William Steiger	: DECISION ON REQUEST FOR
Patent Number	: 7641253	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/501,476	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **443** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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436 SEVENTH AVENUE
PITTSBURGH PA 15219

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OFFICE OF PETITIONS

In re Application of :
John J. Glista :
Application No. 11/501,477 :
Filed: August 9, 2006 :
Attorney Docket No. **4231-052546** :

NOTICE

This is a notice regarding your request filed October 28, 2009, for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

Mail Date: 04/26/2010

Applicant	: Bernward Welschof	: DECISION ON REQUEST FOR
Patent Number	: 7650958	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/501,481	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/501,484	08/08/2006	Edgar Diego Haren	578522001300

CONFIRMATION NO. 5809

OC000000021849542

25225
MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

Date Mailed: 01/05/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/23/2006.

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

MONICA A GRAVES
OP (571) 272-7253

FORMER ATTORNEY/AGENT COPY

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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE, SUITE 100
SAN DIEGO CA 92130-2040

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OFFICE OF PETITIONS

In re Application of	:	
HAREN	:	
Application No. 11/501,484	:	DECISION ON PETITION
Filed: August 8, 2006	:	TO WITHDRAW
Attorney Docket No. 578522001300	:	FROM RECORD
	:	

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, 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 James J. Mullen on behalf of all attorneys of record who are associated with customer No. 25225. All attorneys/agents associated with the Customer Number 25225 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **EDGAR DIEGO HAREN**
8743 BACKCOVE COURT
HOUSTON, TX 77064

cc: **DANIEL N. YANNUZZI, ESQ.**
SHEPPARD MULLIN RICHTER & HAMPTON LLP
12544 HIGH DLUFF DRIVE
SAN DIEGO, CA 92130

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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE, SUITE 100
SAN DIEGO CA 92130-2040

In re Application of	:	
HAREN, Edgar Diego	:	
Application No. 11/501,485	:	DECISION ON PETITION
Filed: August 8, 2006	:	TO WITHDRAW
Attorney Docket No. 578522001400	:	FROM RECORD
	:	

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, 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 James J. Mullen on behalf of all attorneys of record who are associated with customer No. 25225. All attorneys/agents associated with the Customer Number 25225 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **EDGAR DIEGO HAREN**
8743 BACKCOVE COURT
HOUSTON, TX 77064

cc: **DANIEL N, YANNUZZI**
SHEPPARD MULLIN RICHTER & HAMPTON LLP
12544 HIGH BLUFF DRIVE
SAN DIEGO, CA 92130

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/501,485	08/08/2006	Edgar Diego Haren	578522001400

CONFIRMATION NO. 5810

OC000000021405674

25225
MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

Date Mailed: 11/29/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/23/2006.

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

MONICA A GRAVES
OP (571) 272-7253

FORMER ATTORNEY/AGENT COPY

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THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION - WEST BLDG.
WINTON HILL BUSINESS CENTER - BOX 412
6250 CENTER HILL AVENUE
CINCINNATI OH 45224

In re Application of: Camille Nijs, Brigitte Louisette et al Serial No. 11/501,512 Filed: Aug. 9, 2006 Docket: CM2990MQ Title: INDIVIDUALLY-PACKAGED HYGIENE ARTICLE AND ABSORBENT ARTICLE PROVIDED THEREWITH	DECISION ON PETITION UNDER 37 CFR § 1.181

This is a decision on the petition filed Mar. 10, 2008 under 37 CFR 1.181 requesting withdrawal of the finality of the last Office action mailed Dec. 31, 2007.

The petition is **granted.**

It is noted that the record does not clearly show claim 18 was examined. Therefore, the rejection of at least claim 18 under 35 U.S.C. 102(b) as anticipated by Langdon (3,326,450) was not necessitated by any amendment filed. As such, the finality of the Office actions issued on Dec. 31, 2007 and Mar. 18, 2008 is premature and thus the finality of the action is hereby withdrawn. The period to respond to the last Office action of Mar. 18, 2008 remains unchanged. Since the finality is being withdrawn, any amendment responding to the Office action dated Mar. 18, 2008 will be treated as a 37 CFR § 1.111 amendment.

In finding petitioner's points of argument persuasive, the requested relief is granted. The finality of the last Office actions of Dec. 31, 2007 and Mar. 18, 2008 are hereby withdrawn.

Any questions regarding this decision should be directed to Special Program Examiner, Henry Yuen, at 571-272-4856.

PETITION GRANTED.

Frederick R. Schmidt, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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PALMER & DODGE, LLP
KATHLEEN M. WILLIAMS
111 HUNTINGTON AVENUE
BOSTON, MA 02199

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OFFICE OF PETITIONS

In re Application of	:	
Moulder, et al.	:	
Filed: August 8, 2006	:	ON PETITION
Application No. 11/501,522	:	
Dkt. No.: 8039/2143C	:	

This is a decision on the petition under 37 CFR 1.57 filed October 17, 2006 to accord the above-identified application a filing date of August 8, 2006. This matter is being properly treated under 37 CFR 1.53(e) as a petition to accord the application a filing date of August 8, 2006.

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

The application was filed August 8, 2006 without drawings. The Notice of Incomplete Nonprovisional Application was mailed October 4, 2006. The Notice indicated, *inter alia*, that the application had not been accorded a filing date because the application appeared to have been submitted without drawings as required per 35 USC 113.

As stated in MPEP 601.01(f), it is the practice of the PTO to treat a non-provisional application that contains at least some disclosure of a process, method, or composition as an application for which a drawing is not necessary for an understanding of the invention under 35 USC 113 (first sentence).

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

drawings are necessary under 35 U.S.C. 113 (first sentence) the filing date issue will be reconsidered by the USPTO.

A review of the official file reveals that the instant application includes at least one process, method, or composition claim. As it is USPTO practice to treat a non-provisional application that contains at least some disclosure of a process, method, or composition as an application for which a drawing is not necessary, the application, as submitted, is entitled to a filing date of August 8, 2006. Thus, the instant petition is unnecessary as the instant application is otherwise entitled to a filing date under 37 CFR 1.53(b). Accordingly, the Notice as it relates to the 35 USC 113 requirement is withdrawn.

The application will be processed with only the papers present on August 8, 2006, without drawings as part of the original disclosure.

The amendment under 37 CFR 1.57 submitted with the instant petition will be examined in due course.

No fee is due in connection with this matter. Petitioners may request a refund of the previously submitted petition fee of $400.00. Petitioners may request a refund by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of August 8, 2006 using only the papers present on that day.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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

Mail Date: 04/21/2010

Applicant	: Toshio Shida	: DECISION ON REQUEST FOR
Patent Number	: 7613422	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/501,526	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **418** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 04/21/2010

Applicant	: Masaki Harada	: DECISION ON REQUEST FOR
Patent Number	: 7607301	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/501,530	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **82** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

FORM HDP-1449 (Based on Form PTO-1449)	ATTORNEY DOCKET NO.	SERIAL NO.
PATENT AND TRADEMARK OFFICE **INFORMATION DISCLOSURE CITATION** (Use several sheets if necessary)	7784-000894/CPA	11/501,543
	APPLICANT	
	Raymond S. DiEsposti	
Sheet 1 of 1	FILING DATE	GROUP
	August 9, 2006	3662

FOREIGN PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes	No
1.							
2.							

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

Ref. Desig.	Examiner's Initials	
1.	DP	DiEsposti, Raymond; Saks, Steven; Jocic, Lubo; Abbott, Anthony. "The Aerospace Corporation. "The Benefits of Integrating GPS, INS, and PCS," pp. 327-331, believed to be at least prior to August 8, 2006.
2.		

14439710.1

Examiner: DW Date Considered: 6/23/2009

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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MEDLEN & CARROLL, LLP
101 HOWARD STREET
SUITE 350
SAN FRANCISCO, CA 94105

Mail Date: 04/21/2010

Applicant	: Jetze J. Tepe	: DECISION ON REQUEST FOR
Patent Number	: 7601710	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/501,545	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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INTELLECTUAL PROPERTY MANAGEMENT
BOEING MANAGEMENT COMPANY
P.O. BOX 2515
MAIL CODE 110-SD54
SEAL BEACH CA 90740-1515

MAILED

JUL 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Raymond S. Diesposti	:	
Application No. 11/501,556	:	DECISION GRANTING PETITION
Filed: August 9, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 7784-894CPB	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 31, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 11, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 3662 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

---

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

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JUL 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Raymond S. Diesposti	:	
Application No. 11/501,556	:	DECISION GRANTING PETITION
Filed: August 9, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 7784-894CPB	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 31, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 11, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 3662 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

---

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

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SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
SOUTH WACKER DRIVE STATION, WILLIS TOWER
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Ronald C. Lundquist	: DECISION ON REQUEST FOR
Patent Number	: 7615685	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/501,565	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **295** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/501,576	08/09/2006	Johan U. Backstrom	H0008118-0108	6272

128 7590 06/25/2009
HONEYWELL INTERNATIONAL INC.
PATENT SERVICES
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN, NJ 07962-2245

EXAMINER
HALPERN, MARK

ART UNIT	PAPER NUMBER
1791	

MAIL DATE	DELIVERY MODE
06/25/2009	PAPER

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

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

UNITED STATES PATENT and TRADEMARK OFFICE
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

caf

JUN 25 2009

In re application of BACKSTROM et al. Serial No. 11/501,576 Filed: August 9, 2006 For: APPARATUS AND METHOD FOR BREAK RECOVERY IN A PAPER MACHINE OR OTHER SYSTEM	:	DECISION ON PETITION

This is a decision on the PETITION under 37 CFR 1.144 filed February 12, 2009 to review the restriction requirement mailed September 22, 2008 and made final in the office action mailed November 14, 2008.

On September 22, 2008 a three-way restriction requirement was made by the examiner. The groups of claims as set forth in the requirement were directed to:

I. A method for controlling papermaking;
II. An apparatus, a control system for papermaking; and
III. A computer control program.

On October 22, 2008 Applicants traversed the restriction requirement.

On November 14, 2008 an office action was mailed wherein the restriction requirement was made final.

On February 12, 2009, the instant petition under 37 CFR 1.144 was filed to formally request review of the restriction requirement.

It is argued that the examiner improperly reads elements into the claims in order to justify the restriction requirement.

DECISION

Section 803 of the MPEP states:

803 Restriction - When Proper
Under the statute an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate pat-ents and they are either independent (MPEP § 806.04 - § 806.04(i)) or distinct (MPEP § 806.05 - §806.05(i)). If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to
independent or distinct inventions.

CRITERIA FOR RESTRICTION BETWEEN PATENTABLY DISTINCT INVENTIONS
There are two criteria for a proper requirement for restriction between patentably distinct inventions:
(A) The inventions must be independent (see MPEP § 802.01, § 806.04,§ 808.01) or distinct as claimed (see MPEP § 806.05 - § 806.05(i)); and
(B) There must be a serious burden on the examiner if restriction is required (see MPEP § 803.02, § 806.04(a) - § 806.04(i), § 808.01(a), and § 808.02).

In the restriction requirement mailed on September 22, 2008, the examiner first required restriction between groups I. Method and, II. Apparatus. It was argued that inventions I and II are distinct because the apparatus can be used to practice another and materially different process, for example, making textiles. Petitioner points out that neither claims 1 nor 8 are limited to papermaking in any way. Therefore, with respect to claim 1, a method of making textiles is not "another and materially different process" since the method of claim 1 encompasses a method of making textiles. Thus, the examiner has not met his burden in showing that these groups are patentably distinct. Although the examiner argues that the title of the application limits the claims, this is not found persuasive.

In the restriction requirement mailed on September 22, 2008, the examiner then required restriction between groups III. Computer control program and Groups I. Method or II. Apparatus. It was argued that Groups I,II, and III are unrelated because the computer control program can be used in a process other than making paper, for example, making textiles. Again, Petitioner points out that neither claims 1 nor 8 are limited to papermaking in any way. Therefore the fact that the computer control program can be used in a method of making textiles does not make it unrelated to claims 1 and 8 since claims 1 and 8 encompass a method/apparatus of making textiles. Thus, the examiner has not met his burden in showing that these groups are patentably distinct. Although the examiner argues that the title of the application limits the claims, this is not found persuasive.

Accordingly, the petition for withdrawal of the restriction requirement is **GRANTED.**

The application is being forwarded to the examiner to withdraw the restriction requirement.

/Gregory L Mills/
Acting Director of Technology Center 1700
Chemical and Materials Engineering

HONEYWELL INTERNATIONAL INC.
PATENT SERVICES
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN NJ 07962-2245

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Paper No.

Michael C. Staggs
Lawrence Livermore National
Laboratory
L-703
P.O. Box 808
Livermore CA 94551

COPY MAILED

APR 2 6 2007

OFFICE OF PETITIONS

In re Application of	:	
Papavasiliou et al.	:	
Application No. 11/501,590	:	DECISION ON PETITION
Filed: August 8, 2006	:	
Attorney Docket No. IL-11510	:	

This is a decision on the "PETITION TO HAVE AN EARLIER FILING DATE ACCORDED," filed October 17, 2006, pursuant to 37 CFR 1.10, requesting that the above-identified application be accorded a filing date of August 8, 2006, rather than the presently accorded filing date of August 10, 2006.

Petitioner maintains that on August 8, 2006, the application was deposited with the U.S. Postal Service (USPS) in accordance with § 1.10(a). In support thereof, applicants submit copies of the following documents:

- the Express Mail mailing label used; and
- a copy of their receipt from the United States Postal Service.

Paragraph (a) of 37 CFR 1.10 states that:

> Any correspondence received by the U.S. Patent and Trademark Office (USPTO) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed with the USPTO on the date of deposit with the USPS.

(1) 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.

(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).

Paragraph (c) 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 there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Director to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(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 true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

The instant petition was filed promptly within the meaning of § 1.10(c)(1). A review of the application papers presently accorded a filing date of August 10, 2006, reveals that "Express Mail" mailing label No. EV769100104US was placed on the

application transmittal identifying the papers presently accorded a filing date of August 10, 2006, prior to the original mailing.

Further, the petition includes a copy of the "Express Mail Post Office to Addressee" mailing label. The date-in on the label appears to indicate August 10, 2006. However, the label also bears an Official USPS date stamp of August 8, 2006. Furthermore, a review of the Official record of the USPS, the Track & Confirm record for this "Express Mail" package (restored offline at www.usps.com), reveals that the USPS considered the package accepted at 4:45 pm, Livermore, CA 94550 on August 8, 2006 and enroute at 7:27 pm, Oakland, CA 94615 on August 8, 2006. The evidence has been considered and found persuasive that the application was deposited in the Express Mail post office to addressee service of the USPS on August 8, 2006.

In view thereof, the petition is **GRANTED**.

No petition fee is required and none has been charged.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. The application is, thereby, forwarded to OIPE for **correction of the filing date to August 8, 2006** and **issuance of a corrected filing receipt**.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: USPS Track & Confirm printout from www.usps.com (restored 4/24/07 for 30 days)

Track & Confirm

Search Results

Label/Receipt Number: **EV76 9100 104U S**
Detailed Results:

- **Delivered, August 10, 2006, 10:10 am, ALEXANDRIA, VA 22313**
- **Arrival at Unit, August 10, 2006, 8:17 am, DULLES, VA 20102**
- **Enroute, August 08, 2006, 7:27 pm, OAKLAND, CA 94615**
- **Acceptance, August 08, 2006, 4:45 pm, LIVERMORE, CA 94550**

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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/501,590	08/08/2006	2873	955	IL-11510	29	3

CONFIRMATION NO. 7026

CORRECTED FILING RECEIPT

OC000000023833154

Michael C. Staggs
Lawrence Livermore National Laboratory
L-703
P.O.Box. 808
Livermore, CA 94551

Date Mailed: 05/11/2007

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)

Alexandros P. Papavasiliou, Oakland, CA;
Scot S. Olivier, Santa Cruz, CA;

Assignment For Published Patent Application

The Regents of the University of California

Power of Attorney:

Eddie Scott--25220
Alan Thompson--29981
James Tak--46367
Michael Staggs--50938
John Lee--53193

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 08/25/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/501,590

Projected Publication Date: 02/14/2008

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Nanolaminate deformable mirrors

Preliminary Class

359

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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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4/28/09

Patent No. :7518780
Ser. No. :11/201590
Inventor(s) :Papavasiliou et al.
Issued : 8/8/06
Title : NANOLAMIATE DEFORMABLE MIRRORS
Docket No. :

Re: Request for Certificate of Correction

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

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

In view of the foregoing, your request, in this mater, is hereby denied.

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

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

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

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

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

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
40l Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

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

A certificate of correction will be issued to correct the remaining errors noted in your request.

Henry Randall
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 308-9390 Ext. 108

Lawrence, Livermore National Security LLC
P.O. BOX 808, L-703
LIVERMORE, CA 94551-0808

HR

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LLNS / John P. Wooldridge
John H. Lee, Assistant Laboratory Counsel
L-703, P.O Box 808
Livermore, CA 94551

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OFFICE OF PETITIONS

In re Patent No. 7,518,780 :
Issue Date: April 14, 2009 :
Application No. 11/501,590 :
Filed: August 8, 2006 :
Patentee(s): Alexandros P. :
Papcasiliou :

ON PETITION

This is a decision on the petition filed May 13, 2009, which is being treated as a petition under 37 CFR 1.182 and a Request under 37 CFR 3.81(b), to correct the name of the assignee and change the attorney/agent data on the face of the patent, by way of a Certificate of Correction.

As authorized, the petition fee of $400 and the processing fee of $130 has been charged to petitioner's deposit account.

The petition under CFR 1.182 to correct the attorney/agent data is **granted**.

The Request under 37 CFR 3.81(b) is **granted**.

A copy of this decision is being forwarded to the Office of Data Management for issuance of the Certificate of Correction[1].

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

[1] It is noted that the Certificate of Correction fee of $100 was submitted on April 20, 2009.

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FLETCHER YODER (MICRON TECHNOLOGY, INC.)
P.O. BOX 692289
HOUSTON, TX 77269-2289

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OFFICE OF PETITIONS

In re Application of	:	
Jun Liu, et al.	:	
Application No. 11/501,598	:	ON PETITION
Filed: August 9, 2006	:	
Attorney Docket No. MIS:0151 / MAN /2006-0158	:	

This is a decision on the petition, filed March 3, 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 January 14, 2008, using a Certificate of Mailing or Transmission under 37 CFR 1.8 dated January 8, 2008, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The application is being forwarded to Technology Center AU 2827 for further processing of the request for continued examination under 37 CFR 1.114.

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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SUITE 1800
SALT LAKE CITY UT 84111

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APR 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Su, et al.	:	
Application No. 11/501,604	:	DECISION DISMISSING PETITIONS
Filed: August 8, 2006	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 10209.993	:	

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

The petition is **DISMISSED**

A petition 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).

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a

reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.78(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. *See* MPEP Section 201.11, Reference to Prior Nonprovisional Applications. The amendment fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable. It is noted that the present amendment does not contain a proper reference to the first listed nonprovisional application, No. 10/836,571.

In addition, the nonprovisional application should be listed before the provisional application, as Application No. 10/836,571 claims benefit of Application No. 60/467,723.

Additionally, the amendment is not acceptable because Application No. 11/360,550 is not a divisional of Application No. 10/285,359 in Office databases. A review of Application No. 11/360,550 reveals that the amendment to the specification, filed February 23, 2006, does not contain a reference to the prior-filed application *indicating the relationship between the applications*. **Petitioners should file a petition under 37 CFR 1.78(a)(3) in Application No. 11/360,550 addressing this matter.**

Because there is a break in the continuity chain, the benefit claim to the application that depends on Application No. 10/285,359 in the present amendment (Application No. 60/335,343) cannot be accepted.

Furthermore, the amendment is not acceptable because it is not possible to claim benefit to an application filed **after** August 8, 2006, which was when the instant application was filed. Thus, the benefit claim to Application No. 11/553,323, filed October 26, 2006, is not proper. All benefit claims to applications that depend on Application No. 11/553,323 cannot be accepted.

A review of Office databases reveals that Application No. 10/993,883 claims priority to Application No. 60/335,313. Petitioners state that Application No. 10/286,167 claims benefit to Application No. 60/335,313 in the present amendment.

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

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

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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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Dr. J. A. Plotkin
P.O. Box 2596
Springfield VA 22152

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OFFICE OF PETITIONS

In re Application of	:	
KOSLOWER	:	
Application No. 11/501,624	:	DECISION ON PETITION
Filed: August 10, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. bzk06unsnkl	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 26, 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 both the Brazilian and US passports of inventor Bernard Z. Koslower, 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 3617 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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CARMEN PATTI GROUP , LLC
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44TH FLOOR
CHICAGO IL 60602

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OFFICE OF PETITIONS

In re Application of	:	
Livingston	:	
Application No. 11/501,644	:	DECISION
Filed/Deposited: 9 August, 2006	:	
Attorney Docket No. NGC-300/001208-804	:	

This is a decision on the petition filed on 22 April, 2009, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application

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

As to the Request to Withdraw
the Holding of Abandonment

Petitioners always are directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness and showing requirements for relief under 37 C.F.R. §1.181.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action mailed on 23 September, 2008, with reply due absent extension of time on or before 23 December, 2008.

The application went abandoned after midnight 23 December, 2008.

On 17 April, 2009, the Office mailed a Notice of Abandonment.

On 22 April, 2009, Petitioner filed a petition requesting withdrawal of the holding of abandonment pursuant to 37 C.F.R. §1.181, and averred timely reply. Petitioner included

therewith a copy of the 19 December, 2009, Auto-Reply Facsimile Transmission evidencing receipt by the Office of an amendment under Application No. 11/501,664 (the '664 application), rather than the proper and correct application number, Application No. 11/501,644 (the '644 application)—which Petitioner since had corrected to the '644 application number. A review by the Office of the IFW file for the '664 application revealed the presence there of Petitioner's mis-filed 19 December, 2008, papers.

Petitioner's burden is to make a showing pursuant to 37 C.F.R. §1.181 (with narrative and documentary support) consistent with the guidance in the Commentary at MPEP 711.03(c)(I), which provides in pertinent part:

***

> 37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.
>
> Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.
>
> Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. §1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

> 37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512. [1]
>
> ***

The petition herein does not appear to reflect an acknowledgment that Petitioner filed papers with the Office with an incorrect application number—to wit: Application No. 11/501,664 (the '664 application), rather than the proper and correct application number, Application No. 11/501,644 (the '644 application)—which events triggered the 17 April, 2007, Notice of Abandonment. These errors are reflected in the papers filed by Petitioner on 19 December, 2008, and again those averred to have been filed on 1 April, 2009, and possibly again as late as 22 April, 2009, in the corrections Petitioner appears to have made in the amendment as well as in the petition for relief pursuant to 37 C.F.R. §1.181.

Petitioner is reminded of the guidance set forth in the Commentary at MPEP §502, which provides in pertinent part:

> ***
>
> It would be of great assistance to the Office if *all* incoming papers pertaining to a filed application carried the following items:
>
> (A) Application number (checked for accuracy, including series code and serial no.).
> (B) Art Unit number (copied from most recent Office communication).
> (C) Filing date.
> (D) Name of the examiner who prepared the most recent Office action.
> (E) Title of invention.
> (F) Confirmation number (see MPEP § 503). (Emphasis supplied)
>
> ***

As indicated above, a review of Office records evidences the showing(s) required as Petitioner's burden herein.

Out of an abundance of caution, Applicants always are reminded that those registered to practice and all others who make representations before the Office must inquire into the underlying facts

[1] *See*: MPEP §711.03(c) (I)(B).

of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[3],[4]

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

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

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[5]

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

[3] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[4] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

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

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required, when it is to be made and how it is to be supported.

A review of Office records appears to evidence the showing(s) required.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.181 is **granted**, and the 17 April, 2008, Notice of Abandonment is **vacated**.

The instant application is released to the Technology Center/AU 2877 for further processing in due course.

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[6]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

---

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).

[6] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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

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

COPY MAILED

MAR 2 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Subhasish Purkayastha	:	
Application No. 11/501,675	:	DECISION ON PETITION
Filed: August 8, 2006	:	TO WITHDRAW
Attorney Docket No. AB9-236CP	:	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 9, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Choate, Hall & Stewart LLP does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The revocation power of attorney that was previously filed on July 12, 2007 was not accepted because it was from an assignee and the certificate required by 37 CFR 3.73(b) has not been received. Therefore, the attorneys and/or agents associated with Choate, Hall & Stewart LLP were never given power of attorney.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Lahive & Cockfield, LLP**
Floor 30, Suite 3000
One Post Office Square
Boston, MA 02109

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON, DC 20006

Mail Date: 04/21/2010

Applicant	: Nam-kyun Kim	: DECISION ON REQUEST FOR
Patent Number	: 7585053	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/501,683	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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.

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

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

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OFFICE OF PETITIONS

In re Application of	:	
WEIBEL, Michael K.	:	
Application No. 11/501,706	:	DECISION ON PETITION
Filed: August 9, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1690-P01604US6	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 17, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes the declaration of inventor Michael K. Weibel, 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 1761 for action on the merits commensurate with this decision.

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.
11/501,710	08/10/2006	Daisuke Kusamoto	294912US3	7103

7590 07/22/2008
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
BONCK, RODNEY H

ART UNIT	PAPER NUMBER
3681	

NOTIFICATION DATE	DELIVERY MODE
07/22/2008	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.

Nioma Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
07/21/2008 0030058701

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1001

Adjustment date: 07/21/2008 NFARMER
08/11/2006 CNGUYEN 00000038 11501710
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

COPY MAILED
SEP 02 2008

In re Application of :
Sparrowe, et al. : DECISION ON PETITION
Application No. 11/501,724 :
Filed: August 10, 2006 :
Docket No.: MERCK-3202 :

This is a decision on the petition under 37 CFR 1.181, filed July 14, 2008, to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

The application became abandoned January 13, 2008 for failure to timely submit a proper reply to the Office communication mailed December 12, 2007. The Office communication set a one month (or 30 day, whichever is longer) shortened statutory period of time for reply. No extension of time was requested. This decision precedes Notice of Abandonment.

Petitioners assert non-receipt of the Office communication.

The showing required to establish non-receipt 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 non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt of the Office action. 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 evidence submitted in support of petitioners' contention of non-receipt of the Office communication does not satisfy the above set forth requirements. Any request for reconsideration of this decision must satisfy the procedures set forth at MPEP 711.03(c) to establish non-receipt of an Office communication.

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

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

By facsimile: (571) 273-8300

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

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

0UNITED 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

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON VA 22201

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DEC 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Sparrowe, et al.	:	DECISION ON PETITION
Application No. 11/501,724	:	
Filed: August 10, 2006	:	
Docket No.: MERCK-3202	:	

This is a decision on the renewed petition under 37 CFR 1.181, filed September 30, 2008, to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **GRANTED**.

The application was held abandoned January 13, 2008 for failure to timely submit a proper reply to the Office communication mailed December 12, 2007. The Office communication set a one month (or 30 day, whichever is longer) shortened statutory period of time for reply. No extension of time was requested. This decision precedes Notice of Abandonment. A petition under 37 CFR 1.181 was filed July 14, 2008 and dismissed September 2, 2008.

Petitioners assert non-receipt of the Office communication.

The showing required to establish non-receipt 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 non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt of the Office action. 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 petition has been carefully reviewed and found in compliance with the above-stated requirements.

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

This application is being referred to the Technology Center Art Unit 1796 for further processing.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/501,732	08/10/2006	Seung-Gweon Lee	51801

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

DATE MAILED: May 10, 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 17, 2007, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

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

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Barbara J. Debnam
Pre-Grant Publication Division

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

DEC 1 1 2008

OFFICE OF PETITIONS

In re Application of :
Robert Pearce et al. :
Application No. 11/501,736 : NOTICE
Filed: August 10, 2006 :
Attorney Docket No. 293144US-20 DIV :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed October 21, 2008.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby ACCEPTED.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to JoAnne Burke at (571) 272-4594.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

IFW 1.28c

40 years
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OIPE
US PATENT & TRADEMARK OFFICE
OCT 21 2008
PATENT & TRADEMARK OFFICE
2008 OCT 23 PM 4:10

Docket No.: 293144US20DIV

OBLON SPIVAK

ATTORNEYS AT LAW

RECEIVED
NOV 03 2008
OFFICE OF PETITIONS

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Patent No.: 7,406,354
Applicants: Robert PEARCE, et al.
Issue Date: July 29, 2008
For: A SYSTEM FOR MOTION CONTROL, METHOD OF USING THE SYSTEM FOR MOTION CONTROL, AND COMPUTER-READABLE INSTRUCTIONS FOR USE WITH THE SYSTEM FOR MOTION CONTROL
Group Art Unit: 2121
Examiner: HARTMAN JR., Ronald D.

SIR:

Attached hereto for filing are the following papers:

Correction of Entity Status and Payment of Deficiency
Copy of Fee Transmittal as Filed August 10, 2006
Submission of Supplemental Application Data Sheet
Supplemental Application Data Sheet
Certificate of Mailing

Our credit card payment form in the amount of **$590.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters
Registration No. 28,870

10/30/2008 DALLEN 00000006 11501736
01 FC:1461 590.00 OP

Customer Number
22850
(703) 413-3000 (phone)
(703) 413-2220 (fax)

OIPE IAP88
OCT 2 1 2008
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OFFICE OF PETITIONS

US PATENT & TRADEMARK OFFICE
2008 OCT 23 PM 4: 10

DOCKET NO: 293144US20DIV

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF	:
ROBERT PEARCE, ET AL.	: EXAMINER: HARTMAN JR., R.D.
PATENT NO: 7,406,354	:
ISSUE DATE: JULY 29, 2008	: GROUP ART UNIT: 2121
FOR: A SYSTEM FOR MOTION CONTROL, METHOD OF USING THE SYSTEM FOR MOTION CONTROL, AND COMPUTER-READABLE INSTRUCTIONS FOR USE WITH THE SYSTEM FOR MOTION CONTROL	:

CORRECTION OF ENTITY STATUS AND

PAYMENT OF DEFICIENCY UNDER 37 CFR 1.28

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

It is respectfully requested that the United States Patent and Trademark Office (USPTO) change its records to reflect that the assignee, Motion Engineering, Inc., Danaher Motion is a large entity. This filing is to correct applicant's error in claiming small entity status, said error having been made without any deceptive intent on the part of the assignee. Applicant's original claim to small entity status was made in good faith, and was later discovered to be in error.

37 CFR 1.28 requires (1) separate submissions for each application or patent, and (2) payment of deficiency owed, including an itemization of the deficient payment. Consistent with 37 CFR 1.28(1), attached herewith is a copy of the Fee Transmittal filed August 10, 2006 indicating the payment of governmental filing fees of $500.00 for electronically filing

US PATENT & TRADEMARK OFFICE RECEIVED
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2008 OCT 23 PM 4:10

this application as a small entity. Consistent with 37 CFR 1.28(2) an itemization of the deficient payment is that the fee should have been $1,090.00 leaving a deficiency of $590.00.

Submitted herewith is our credit card form in the amount of $590.00 for the remainder of the filing fees due in this large entity application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

OIPE IAP66 OCT 21 2008 PATENT & TRADEMARK OFFICE

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Docket No. 293144US20DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2008 OCT 23 PM 4:10

INVENTOR(S) Robert PEARCE, et al.

SERIAL NO: New Application

FILING DATE: Herewith

FOR: A SYSTEM FOR MOTION CONTROL, METHOD OF USING THE SYSTEM FOR MOTION CONTROL, AND COMPUTER-READABLE INSTRUCTIONS FOR USE WITH THE SYSTEM FOR MOTION CONTROL

081006

12/12 US PTO

FEE TRANSMITTAL

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS	3 - 20 =	0	x $50 =	$0.00
INDEPENDENT CLAIMS	1 - 3 =	0	x $200 =	$0.00
UTILITY APPLICATION SIZE FEE	74 - 100 =	0 (each addtl. 50 sheets over 100)	x $250 =	$0.00
☐ MULTIPLE DEPENDENT CLAIMS (If applicable)			+ $360 =	$0.00
☐ LATE FILING OF DECLARATION			+ $130 =	$0.00
■ FILING FEE ($300.00) ■ SEARCH FEE ($500.00) ■ EXAMINATION FEE ($200.00)			BASIC FEES	$1,000.00
TOTAL OF ABOVE CALCULATIONS				$1,000.00
■ REDUCTION BY 50% FOR FILING BY SMALL ENTITY				($500.00)
☐ FILING IN NON-ENGLISH LANGUAGE			+ $130 =	$0.00
☐ RECORDATION OF ASSIGNMENT			+ $40 =	$0.00
			TOTAL	$500.00

☐ Please charge Deposit Account No. 15-0030 in the amount of $0.00 A duplicate copy of this sheet is enclosed.

☐ A check in the amount of $0.00 to cover the filing fee is enclosed.

■ Credit card payment form is attached to cover the filing fee in the amount of $500.00

■ The Director is hereby authorized to charge any additional fees which may be required for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Date: 8/10/06

Eckhard H. Kuesters
Registration No. 28,870

Zachary S. Stern
Registration No. 54,719

Customer Number
22850
Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 12/04)

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US PATENT & TRADEMARK OFFICE NOV 03 2008
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OIPE IAP86 OCT 21 2008 PATENT & TRADEMARK OFFICE

DOCKET NO.: 293144US20DIV/dbb

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2008 OCT 23 PM 4:10
US PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

Robert PEARCE, et al. GROUP: 2121

PATENT NO: 7,406,354

ISSUE DATE: July 29, 2008 EXAMINER: HARTMAN JR., R.D.

FOR: A SYSTEM FOR MOTION CONTROL, METHOD OF USING THE SYSTEM FOR MOTION CONTROL, AND COMPUTER-READABLE INSTRUCTIONS FOR USE WITH THE SYSTEM FOR MOTION CONTROL

SUBMISSION OF SUPPLEMENTAL APPLICATION DATA SHEET

Office of Initial Patent Examination
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant(s) submit herewith a Supplemental Application Data Sheet for the above-identified application for the purpose of correcting entity status.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters
Registration No. 28,870

Customer Number
22850
Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 06/04)

OIPE IAP68
OCT 21 2008
PATENT & TRADEMARK OFFICE

US PATENT & TRADEMARK OFFICE

DOCKET NO: 293144US20DIV

2008 OCT 23 PM 4: 10

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF	:
ROBERT PEARCE, ET AL.	: EXAMINER: HARTMAN JR., R.D.
PATENT NO: 7,406,354	:
ISSUE DATE: JULY 29, 2008	: GROUP ART UNIT: 2121
FOR: A SYSTEM FOR MOTION CONTROL, METHOD OF USING THE SYSTEM FOR MOTION CONTROL, AND COMPUTER-READABLE INSTRUCTIONS FOR USE WITH THE SYSTEM FOR MOTION CONTROL	:

RECEIVED
NOV 03 2008
OFFICE OF PETITIONS

CERTIFICATE OF MAILING

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

Sir:

I hereby certify that this correspondence is being hand carried to the United States Patent and Trademark Office, 2051 Jamieson Avenue, Suite 300, Alexandria, Virginia 22314 on October 21, 2008.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters
Registration No. 28,870

Customer Number
22850
Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 03/06)

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

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

Mail Date: 07/14/2010

Applicant	: Joel D. Gordon	: DECISION ON REQUEST FOR
Patent Number	: 7645215	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/501,780	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **25** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

COPY MAILED
JAN 28 2010

In re Application of	:	
Hemanth Sampath	:	
Application No. 11/501,800	:	ON PETITION
Filed: August 8, 2006	:	
Attorney Docket No. 050699	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, May 27, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 28, 2009. A Notice of Abandonment was mailed December 11, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment , (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

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 Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center 2611 for further examination on the merits

Chris Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

Mail Date: 06/10/2010

Applicant	: Seiji Nakahata	: DECISION ON REQUEST FOR
Patent Number	: 7655960	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/501,817	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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Paper No.

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

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FEB 0 9 2007

OFFICE OF PETITIONS

In re Application of :
Ando et al. : DECISION ON PETITION
Application No. 11/501,856 :
Filed: August 10, 2006 :
Atty Docket No. 294804US2S DIV:

This is in response to the "RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION" filed October 23, 2006. Petitioners request that the Office accord the above-identified application a filing date of August 10, 2006, with Figure 37 considered part of the original application disclosure.

Application papers in the above-identified application were deposited on August 10, 2006. However, on August 24, 2006, the Initial Patent Examination Division mailed applicants a NOTICE OF OMITTED ITEMS IN A NONPROVISIONAL APPLICATION. Applicants were thereby notified that the application papers had been accorded a filing date; however, Figure 37 described in the specification appeared to have been omitted from the application.

In response, applicants filed the instant petition (and petition fee). Applicants contend that the missing Figure 37 was filed in this application as evidenced by the attached copied documents. In support thereof, applicants submit a copy of their itemized and date-stamped receipt. Applicants also supply a copy of the Drawings, Sheets 1-25 (FIGS. 1-37).

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' acknowledgment receipt reveals that: 1) it was date

stamped as received in the USPTO on August 10, 2006, 2) it specifically identifies the items being filed, including "Drawings 25 Sheets" 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 25 sheets of drawings, were filed on August 10, 2006.

The drawing sheets already considered received in the Office on August 10, 2006, were reviewed along with Figure 37 submitted on petition. These papers together constitute the items described on the receipt as "Drawings 25 Sheets." It is concluded that petitioner has shown that Figure 37 were among the items present in the application on the date of deposit and should be included in the original application disclosure.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee is subject to refund. Accordingly, although authorized, no petition fee is being charged to petitioner's Deposit Account No. 15-0030.

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

- further processing with a filing date of August 10, 2006 using the application papers received in the Office and presently accorded that date; and figure 37 re-supplied on petition filed October 23, 2006; and

- for indication in Office records, as appropriate, that 25 sheets of Drawings (including Figure 37) 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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DIW Apr-08

ARTHUR M. PESLAK, ESQ.
MANDEL & PESLAK
SUITE 5
80 SCENIC DRIVE
FREEHOLD NJ 07728-5211

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APR 1 0 2008

OFFICE OF PETITIONS

In re Application of Helynne Smith Application Number: 11/501877 Filing Date: 08/10/2006 Attorney Docket Number: Smith-H-002	DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT

This is a decision on the petition to withdraw the holding of abandonment, filed on March 11, 2008.

The petition is **GRANTED**.

A Notice of Abandonment was mailed on August 24, 2007, stating that the application is abandoned in view of a letter of express abandonment.

Petitioner's counsel states that the application was held abandoned in error, and requests that the abandonment be withdrawn.

A review of the official file reveals that no letter of express abandonment is located therein. As such, the showing of record suggests a finding that the application was held abandoned due to an Office error.

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

The Office regrets any inconvenience to petitioner.

The application is being referred to Technology Center Art Unit 3711 for examination in due course.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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PERRY + CURRIER INC.
(FOR RIM)
1300 YONGE STREET
SUITE 500
TORONTO, ON M4T-1X3
CANADA

Mail Date: 04/20/2010

Applicant	: Martin Guthrie	: DECISION ON REQUEST FOR
Patent Number	: 7616882	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/501,902	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **588** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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PRICE HENEVELD COOPER DEWITT & LITTON, LLP
695 KENMOOR, S.E.
P O BOX 2567
GRAND RAPIDS MI 49501

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AUG 04 2008

Applicant: Galazin et al.
Appl. No.: 11/501,944
Filing Date: August 10, 2006
Title: VEHICLE SUSPENSION SIDE SILL ASSEMBLY
Attorney Docket No.: HOL01 P498
Pub. No.: US 2007/0045981 A1
Pub. Date: March 1, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 27, 2007, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors in claims 3, 4, and 5 wherein "walls" is misprinted as "watts" in several instances.

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 misprinting "watts" for "walls" in several instances is an Office error, but it is not a material Office error under 37 CFR 1.221. The errors are minor typographical errors and are not material Office errors because the errors do not affect the understanding of the publication, as the term "walls" is used through out the claims and in each claim that it is also misprinted. The application is clearly understandable to one of ordinary skill in the art reading the application and claims. The mistakes do 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

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

determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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

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

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

By facsimile: 571-273-8300

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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NAUM SAPOZHNIKOV
APT. 210
1550 N. POINSETTIA PL.
LOS ANGELES CA 90046

MAILED

AUG 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Naum SAPOZHNIKOV	:	
Application No. 11/501,956	:	DECISION ON PETITION
Filed: August 09, 2006	:	
Attorney Docket No. 01-7707-04CON	:	

This is a decision on the petition, filed May 18, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

The application became abandoned for failure s to timely pay the issue and publication fees on or before April 13, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed January 12, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 14, 2009.

Petitioner asserts that the issue fee was paid in a timely manner. However, a review of the Office records indicates that the publication fee was not filed timely. Both the issue and publication fee payments were due on or before the date provided on the Notice of Allowance. Therefore, the issue and publication fees are considered to be untimely.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $810.00 petition fee.

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

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

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

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

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

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

Thurman K. Page

Thurman Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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NAUM SAPOZHNIKOV
APT. 210
1550 N. POINSETTIA PL.
LOS ANGELES CA 90046

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In re Application of	:	
Naum SAPOZHNIKOV	:	
Application No. 11/501,956	:	DECISION ON PETITION
Filed: August 09, 2006	:	
Attorney Docket No. 01-7707-04CON	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 02, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure s to timely pay the issue and publication fees on or before April 13, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed January 13, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 14, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755.00 and publication fee of $300.00, (2) the petition fee of 810.00; and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fee payments are accepted as having been unintentionally delayed.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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NAUM SAPOZHNIKOV
APT. 210
1550 N. POINSETTIA PL.
LOS ANGELES CA 90046

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In re Application of	:	
SAPOZHNIKOV, Naum	:	
Application No. 11/501,956	:	DECISION ON PETITION
Filed: August 09, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **01-7707-04CON**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 02, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

The application is being forwarded to the Office of Data Management.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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OFFICE OF PETITIONS

NAUM SAPOZHNIKOV
APT. 210
1550 N. POINSETTIA PL.
LOS ANGELES CA 90046

In re Application of	:	
Sapozhnikov, Naum	:	
Application No. 11/501,957	:	ON PETITION
Filed: August 9, 2006	:	
Attorney Docket No. 01-7707-05Con	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 9, 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 from the applicant, Naum Sapozhnikov, along with a copy of his California driver's license. Accordingly, the above-identified application has been accorded "special" status.

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

This matter is being referred to the Technology Center Art Unit 3671 for action on the merits commensurate with this decision.

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

Mail Date: 04/21/2010

Applicant	: Joon-Suh Kim	: DECISION ON REQUEST FOR
Patent Number	: 7622892	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/501,963	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **454** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

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In re Application of :
Akio Yamada, et. al. :
Application No. 11/501,988 : DECISION ON PETITION
Filed: August 9, 2006 :
Attorney Docket No. 207,706 :

This is a decision on the petition filed by facsimile transmission on November 22, 2006, requesting that the above-identified application be accorded a filing date of August 7, 2006, instead of the presently accorded date of August 9, 2006.

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 August 7, 2006. In support, petitioner provided a copy of Express Mail Label No. ER059676003US and a statement of Express Mail procedures signed by a USPS customer service supervisor. The same Express Mail receipt number appears on the original transmittal letter found in the file.

Paragraph (c) of 37 CFR 1.10 (c) states:

> 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 there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in " on the "Express Mail" mailing label or other official USPS notation, may petition the Director to accord the correspondence a filing date as of the "date-in " on the "Express Mail " mailing label or other official USPS notation, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
>
> (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 true copy of the "Express Mail " mailing label showing the date-in", and of any other official notation by the USPS relied upon to show the date of deposit.

It is noted that while petitioner provided the Office with a copy of Express Mail Label No. ER059676003US, the "date-in" box is blank and the USPS date stamp is not legible. Also, the statement from the USPS customer service supervisor only explains the processing procedures of Express Mail and fails to corroborate the date of receipt as August 7, 2006.

Further, an independent search of the USPS Track and Confirm records discloses that Express Mail Label No. ER059676003US US was enroute on August 9, 2006 at 5:07 pm at the New York, NY 10199 USPS location.

Since the receipt date into USPS cannot be determined, it is petitioner's responsibility to provide the Office with an Express Mail envelope that clearly shows the "date-in" of August 7, 2006 and/or a statement from the USPS that would corroborate that the package in question was in the hands of the USPS employee on August 7, 2006. Unfortunately, petitioner's argument is not well taken. Therefore, the petition is **DISMISSED** and the filing date will remain August 9, 2006.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision 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
401 Dulany Street - Randolph Building
Alexandria, VA 22314

The Centralized facsimile number is **(571) 273-8300**, and documentation to this number should be addressed to the Office of Petitions.

Any questions concerning this matter may be directed to Andrea Smith at (571) 272-3226.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

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STRADLEY RONON STEVENS & YOUNG, LLP
30 VALLEY STREAM PARKWAY
GREAT VALLEY CORPORATE CENTER
MALVERN, PA 19355-1481

Mail Date: 06/23/2010

Applicant	: F. Jonathan Turner	: DECISION ON REQUEST FOR
Patent Number	: 7635243	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/501,993	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **442** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

HOWARD CHEN, ESQ.
PRESTON GATES & ELLIS, LLP
55 SECOND STREET, SUITE 1700
SAN FRANCISCO, CA 94105

COPY MAILED

NOV 17 2008

OFFICE OF PETITIONS

In re Application of :
LIAW, Jhon-Jhy :
Application No. 11/502,016 :
Filed: August 10, 2006 :
Attorney Docket No. **TSMC2005-0749** :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 28, 2008 and re-submitted October 22, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

This application became abandoned for failure to timely pay the issue and publication fees and to submit corrected formal drawings on or before April 17, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed January 17, 2008. Accordingly, the date of abandonment of this application is April 18, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The petition lacks item(1) corrected drawing as required by the Notice of Allowability (item #5) mailed January 17, 2008.

The corrected drawing submitted on May 28, 2008 and October 22, 2008 are not approved because the identifying indicia such as the application number and "Replacement Sheet" were omitted.

Also, it is noted that the petition fee was submitted twice (with petition filed May 28, 2008 and October 22, 2008).

The $1620 fee submitted with the petition filed October 22, 2008 is unnecessary and will be refunded.

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

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

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

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

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

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

Brian W. Brown
Petitions Examiner
Office of Petitions

Electronic Acknowledgement Receipt

EFS ID:	4161031
Application Number:	11502016
International Application Number:	
Confirmation Number:	6763
Title of Invention:	WORD LINE VOLTAGE CONTROL CIRCUIT FOR MEMORY DEVICES
First Named Inventor/Applicant Name:	Jhon-Jhy Liaw
Correspondence Address:	Howard Chen, Esq. Preston Gates & Ellis LLP Suite 1700 55 Second Street San Francisco CA 94105 US 4158828200 -
Filer:	Lei Howard Chen/Patricia Wiggins
Filer Authorized By:	Lei Howard Chen
Attorney Docket Number:	TSMC2005-0749
Receipt Date:	22-OCT-2008
Filing Date:	10-AUG-2006
Time Stamp:	20:12:06
Application Type:	Utility under 35 USC 111(a)

Adjustment date: 11/17/2008 CKHLOK
10/23/2008 INTEFSW 00004218 503229 11502016
01 FC:1453 1620.00 CR

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$1620

RAM confirmation Number	4218
Deposit Account	503229
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Petition for review by the Office of Petitions.	11502016PetRevive.pdf	349121 ce57382239f6175a8a216bfee3de004bc2271f17	no	3
Warnings:					
Information:					
2	Drawings-only black and white line drawings	TSMC2005749DrawingsAMENDED.pdf	263622 22b9fefe9932b0d3d717d3bcc6124945896145d8	no	10
Warnings:					
Information:					
3	Drawings-only black and white line drawings	11502016AmendedFig3.pdf	455709 ba71a2ff45a59057d81f96b3a1b504835b9c6ad5	no	1
Warnings:					
Information:					
4	Fee Worksheet (PTO-06)	fee-info.pdf	30552 d43ab729c5d0db730c79f88a529a4dfbc10ff4da	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	1099004		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 11/01/08

2 Serial/Patent # 11/502,016

	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 1453	PET.OP	10/22/08	$ 1,620.00
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND $ 1,620.00

8 TO BE REFUNDED BY:

	Treasury Check
X	Credit Deposit A/C #:

9 5 0 -- 3 2 2 9

10 REASON:

	Overpayment
X	Duplicate Payment
	No Fee Due (Explanation):

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Monica A. Graves TITLE: Paralegal Specialist

SIGNATURE: /monica a. graves/ PHONE: (571) 272-7253

OFFICE: Office of Petitions

****

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: CRLOK DATE: 11/17/08

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
Refund Branch
Crystal Park One, Room 802B

FORM PTO 1577
(01/90)

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HOWARD CHEN, ESQ.
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55 SECOND STREET, SUITE 1700
SAN FRANCISCO, CA 94105

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FEB 13 2009

OFFICE OF PETITIONS

In re Application of
LIAW, Jhon-Jhy
Application No. 11/502,016
Filed: August 10, 2006
Attorney Docket No. **TSMC2005-0749**

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December, 12, 2008 to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue/publication fees and to submit corrected drawings on or before April 17, 2008, as required by the Notices of Allowance/Allowability, mailed January 17, 2008. Accordingly, the date of abandonment of this application is April 18, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1440, the publication fee of $300, and corrected drawing(s); (2) the petition fee of $1540; and (3) an adequate statement of unintentional delay.

The drawings have been approved by the USPTO draftsperson.

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

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

for

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BRIAN ROFFE, ESQ
11 SUNRISE PLAZA, SUITE 303
VALLEY STREAM NY 11580-6111

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MAR 2 1 2007

OFFICE OF PETITIONS

In re Application of

Breed, David S. et al.
Application No. 11/502,039
Filed: August 10, 2006
Attorney Docket No. **ATI-138**

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 01, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of the inventors passport as evidence that David S. Breed is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2624 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
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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MERCHANT & GOULD BELLSOUTH CORP.
P.O. BOX 2903
MINNEAPOLIS MN 55402

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OFFICE OF PETITIONS

In re Application of	:	
Robert Koch et al	:	
Application No. 11/502,045	:	DECISION GRANTING FILING
Filed: August 10, 2006	:	DATE OF AUGUST 10, 2006
Attorney Docket No.	:	
60027.0355US12/BS040001CI	:	

This is a decision on the petition filed September 22, 2006, under 37 CFR 1.10 (d), requesting that the above-identified application be accorded a filing date of August 10, 2006 rather than the presently accorded filing date of August 9, 2006.

Petitioner alleges that the date indicated in the Date-In field of the Express Mail label is incorrect. In support, petitioner has submitted a copy of the Express Mail Label No. EV737623970US showing a date stamp of August 10, 2006, by the USPS at the Pacific Station in Atlanga Georgia. The same Express Mail receipt number appears on the original Application Transmittal filed with the instant application.

In view of the above, it is concluded that the application was deposited as "Express Mail" with the US Postal Service on August 10, 2006.

The petition is **granted**.

This matter is being referred to the Office of Initial Patent Examination for processing with a filing date of August 10, 2006, and for the mailing of a corrected Filing Receipt.

Telephone inquiries specific to this matter should be directed to Karen Creasy at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HOWARD J. GREENWALD P.C.
349 W. COMMERCIAL STREET SUITE 3075
EAST ROCHESTER NY 14445-2408

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JUN 0 4 2007

OFFICE OF PETITIONS

In re Application of	:	
John A. Meyer et al.	:	
Application No. 11/502,053	:	DECISION ON PETITION
Filed: August 10, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. JAM-1090	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 22, 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 John A. Meyer declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2615 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
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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Paper No.

SCHERING-PLOUGH CORPORATION
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530

MAILED

MAR 29 2010

OFFICE OF PETITIONS

In re Application of	:	
Chou et al.	:	DECISION ON APPLICATION
Application No. 11/502,064	:	FOR
Filed: August 10, 2006	:	PATENT TERM ADJUSTMENT
Attorney Docket No. JB06384US01	:	
Title: MCP1 FUSIONS	:	

This is a decision on the "REQEUST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT (PTA) UNDER 37 C.F.R. § 1.705," filed November 18, 2009. Patentees request that the patent term adjustment indicated on the Notice of Allowance and Issue Fee Due be corrected from one hundred and sixty-six (166) days to two hundred and forty-nine (249) days.

The request for reconsideration of the patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **two hundred and forty-nine (249)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

A Notice of Allowance and Issue Fee Due was mailed on October 28, 2009, with an indication that the patent term adjustment to date was 166 days. Applicants have disputed one period of delay: the 83-day reduction associated with the filing of a supplemental response on May 14, 2009. 37 CFR § 1.704(c)(8) indicates that the submission of a supplemental reply, other

than a supplemental reply expressly requested by the examiner, after a reply has been filed, will result in a period of adjustment set forth in § 1.703, and the reduction will constitute 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.

A non-final Office action was mailed on November 3, 2008, and a response was received on February 20, 2009. A supplemental response was subsequently received on May 14, 2009, which resulted in a reduction of 83 days, pursuant to 37 CFR § 1.704(c)(8). Applicants dispute this reduction on the basis that it was expressly requested by the examiner.[1]

Applicants state that any patent issuing from the application is not subject to a terminal disclaimer.[2]

Applicants' argument has been considered and has been found to be persuasive. The record supports a conclusion that the response filed May 14, 2009 was expressly requested by the examiner within the meaning of 37 CFR 1.704(c)(8). Thus, the reduction of 83 days is not warranted and is being removed.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is two hundred and forty-nine (249) days (266 days of Office delay minus 17 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.

---

[1] Petition, page 2.
[2] Id.

Telephone inquiries regarding this matter should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of updated PAIR screen

Day : Sunday
Date: 3/28/2010

PALM INTRANET

Time: 14:45:28

PTA Calculations for Application: 11/502064			
Application Filing Date:	08/10/2006	PTO Delay (PTO):	266
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	100
Post-Issue Petitions:	0	Total PTA (days):	249
PTO Delay Adjustment:	83		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
77	03/28/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	83		
69	10/28/2009	MAIL NOTICE OF ALLOWANCE			
68	10/26/2009	ISSUE REVISION COMPLETED			
67	10/26/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
66	10/26/2009	DOCUMENT VERIFICATION			
65	10/23/2009	NOTICE OF ALLOWABILITY			
64	09/17/2009	DATE FORWARDED TO EXAMINER			
63	07/24/2009	REQUEST FOR CONTINUED EXAMINATION (RCE)			
62	09/17/2009	DISPOSAL FOR A RCE / CPA / R129			
61	07/24/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
60	02/20/2009	REFERENCE CAPTURE ON IDS			
59	07/24/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
58	07/24/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
56	07/24/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
55	07/09/2009	SEQUENCE FORWARDED TO PUBS ON TAPE			
54	06/16/2009	EXPORT TO INITIAL DATA CAPTURE			
53	06/12/2009	MAIL EXAMINER'S AMENDMENT			
52	06/12/2009	MAIL NOTICE OF ALLOWANCE			
51	06/12/2009	ISSUE REVISION COMPLETED			
50	06/12/2009	DOCUMENT VERIFICATION			
49	06/12/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
48	06/12/2009	CASE DOCKETED TO EXAMINER IN GAU			

47	06/11/2009	EXAMINER'S AMENDMENT COMMUNICATION			
46	06/11/2009	NOTICE OF ALLOWABILITY			
44	05/18/2009	DATE FORWARDED TO EXAMINER			
43	05/14/2009	SUPPLEMENTAL RESPONSE		83	37
42	05/14/2009	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
41	05/13/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
40	02/20/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
39	02/20/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
38	04/07/2009	DATE FORWARDED TO EXAMINER			
37	02/20/2009	RESPONSE AFTER NON-FINAL ACTION		17	33
36	02/20/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
35	02/20/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
33	11/03/2008	MAIL NON-FINAL REJECTION			
32	10/30/2008	NON-FINAL REJECTION			
31	09/02/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
30	09/02/2008	REFERENCE CAPTURE ON IDS			
29	09/02/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	24
27	09/07/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
26	09/02/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
25	09/23/2008	DATE FORWARDED TO EXAMINER			
24	09/02/2008	RESPONSE TO ELECTION / RESTRICTION FILED			
23	09/02/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
21	09/02/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	07/02/2008	MAIL RESTRICTION REQUIREMENT	266		-1
19	07/01/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
16	09/07/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	09/07/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			

14	02/15/2007	PG-PUB ISSUE NOTIFICATION			
13	11/21/2006	CASE DOCKETED TO EXAMINER IN GAU			
12	11/07/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
11	10/23/2006	APPLICATION DISPATCHED FROM OIPE			
10	10/23/2006	APPLICATION IS NOW COMPLETE			
9	10/05/2006	ADDITIONAL APPLICATION FILING FEES			
8	10/05/2006	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
6	08/22/2006	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
5	08/18/2006	CLEARED BY OIPE CSR			
4	08/18/2006	CASE CLASSIFIED BY OIPE			
3	08/17/2006	IFW SCAN & PACR AUTO SECURITY REVIEW			
2	08/10/2006	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
1	08/10/2006	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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BAY AREA PATENT GROUP, LLC
13630 58TH ST. NORTH
SUITE 101
CLEARWATER, FL 33760

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MAR 03 2008

In re Application of	:	
Calvert T. Hawkes	:	
Application No. 11/502,084	:	ON PETITION
Filed: August 10, 2006	:	
Attorney Docket No. 95.001	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 7, 2007, to revive the above-identified application.

The application became abandoned for failure to respond to the Notice to File Corrected Application Papers mailed August 30, 2006. A Notice of Abandonment was mailed on May 9, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of a eight (8) sheets of replacement drawings containing Figures 1-8C; (2) the petition fee of $750; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

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
11/502,084	08/10/2006	Calvert T. Hawkes	

CONFIRMATION NO. 8128

POA ACCEPTANCE LETTER

34111
Bay Area Patent Group, LLC
13630 58TH ST. NORTH
SUITE 101
CLEARWATER, FL 33760

OC000000028589340

Date Mailed: 03/03/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/07/2007.

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.

/amsmith/

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

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Galasso & Associates, LP
P.O. Box 26503
Austin, TX 78755-0503

In re Application	:	
Fred R. Anderson	:	
Application No. 11/502,088	:	DECISION ON PETITION
Filed: August 10, 2006	:	
Attorney Docket No. 1723.050521	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment mailed March 25, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 26, 2009. A Notice of Abandonment was mailed on October 26, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly the amendment is accepted as being unintentionally delayed.

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

This application is being referred to Technology Center AU 3611 for appropriate action by the Examiner in the normal course of business on the reply received November 5, 2009.

Carl Friedman
Petitions Examiner
Office of Petitions

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DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
Columbia Center
701 Fifth Avenue, Suite 6100
SEATTLE, WA 98104-7043

Mail Date: 04/21/2010

Applicant	: Randhir P.S. Thakur	: DECISION ON REQUEST FOR
Patent Number	: 7576380	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/502,090	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **7** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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LISA B. VACCARELLI
TYCO ELECTRONICS CORPORATION
SUITE 140
4550 NEW LINDEN HILL ROAD
WILMINGTON, DE 19808-2952

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MAR 23 2009

OFFICE OF PETITIONS

In re Application of :
Lyle Stanley et al :
Application No. 11/502,092 : ON PETITION
Filed: August 10, 2006 :
Attorney Docket No. E-AV-00209 (SPLG 20958-10

This is a decision on the petition, filed March 20, 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 March 13, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2832 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

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OFFICE OF PETITIONS

In re Application of :
Moskowitz, et al. :
Application No. 11/502,113 : ON PETITION
Filed: August 10, 2006 :
Attorney Docket No. 207,411 :
For: METHOD OF MANUFACTURING A WOODWORKERS HOLDFAST

This is a decision on the petition under 37 CFR 1.10(c), filed September 20, 2006, requesting that the above-identified application be accorded a filing date of August 9, 2006, rather than the presently accorded filing date of August 10, 2006.

Petitioners contend that the above-identified application was deposited in the United States Postal Service (USPS) Express Mail service on August 9, 2006. In support of this contention, petitioners have supplied with the present petition a copy of Express Mail Receipt No. ER059676290US, bearing a postal stamp of "AUG 9 2006". The "date-in" field is blank. The utility patent application transmittal found in the application file references Express Mail Receipt Number: ER059676290US.

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

No fee has been or will be charged in connection with this matter.

This application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of **August 9, 2006.** Thereafter, this application file will be forwarded to Technology Center A.U. 3724 for examination in due course.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

Mail Date: 04/21/2010

Applicant	: Joel Moskowitz	: DECISION ON REQUEST FOR
Patent Number	: 7571631	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/502,113	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **127** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SCHERING-PLOUGH CORPORATION
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Zhu, et al. :
Application No. 11/502,116 :
Filed: August 11, 2006 :
Attorney Docket No. IM06130US01 :
For: COMPOUNDS FOR THE TREATMENT OF INFLAMMATORY DISORDERS

This is a decision on the petition filed September 8, 2006 under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of August 10, 2006, rather than the presently accorded filing date of August 11, 2006.

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

Petitioners request the earlier filing date on the basis that the application was deposited in Express Mail service on August 10, 2006, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of Express Mail label receipt no. EV815068580US that contains a "date-in" of "9 11 6". The same Express Mail label number is found on the Utility Patent Application Transmittal found in the application file. Petitioners have provided, *inter alia*, a printout of the United States Postal Service Track/Confirm for the package associated with Express Mail label no. EV815068580US that shows the package was accepted by the USPS on August 10, 2006.

Paragraph (d) of 37 CFR 1.10 states that:

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

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

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

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

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

The petition is accompanied by the corroborating evidence required by the rule. Accordingly, the petition is granted. The $130.00 petition fee submitted with the present petition will be credited to deposit account no. 19-0365.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to **August 10, 2006** and the mailing of a corrected filing receipt.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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Patent, Copyright & Trademark Law Group, LLC, Esq.
Suite 200
430 White Pond Drive
Akron, OH 44320

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OFFICE OF PETITIONS

In re Application of	:	
Steven Tsengas, Ph.D	:	
Application No. 11/502,124	:	DECISION ON PETITION
Filed: August 10, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1622	:	37 CFR 1.102(c)(1)
	:	

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

The petition is **GRANTED**.

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

The instant petition includes a statement from the applicant declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

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

Diana C. Walsh for
Amelia Au
Petitions Examiner
Office of Petitions

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LAW OFFICES OF CHRISTOPHER L. MAKAY
1634 MILAM BUILDING
115 EAST TRAVIS STREET
SAN ANTONIO TX 78205

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OFFICE OF PETITIONS

In re Application of

BOSKO, Robert S.
Application No. 11/502,128
Filed: August 10, 2006
Attorney Docket No. **L-0170.96(Div-1)**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 24, 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 Tredelle Jackson at 571-272- 2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **ROBERT S. BOSKO**
BOSKO WATER TECHNOLOGIES
2750 FOREST DRIVE
BLIND BAY, BRITISH COLOMBIA V0E 1H1
CANADA

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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	:	
Chan, et al.	:	DECISION ACCORDING STATUS
Application No. 11/502,129	:	UNDER 37 CFR 1.47(a)
Filed: August 9, 2006	:	
Attorney Docket No. 021653-016910US	:	

This is in response to the petition under 37 CFR 1.47(a), filed February 27, 2007.

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

Petitioner has shown that inventor Huang has refused to sign the declaration after having been presented with the application papers.

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

The matter is being forwarded to Group Art Unit 2827 for docketing and examination in due course.

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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NO 5 XIANLONG
HUANGZHOU
ANYI
NANCHANG
PROVINCE OF JIANGXI
PEOPLES REPUBLIC OF CHINA

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MAR 26 2007
OFFICE OF PETITIONS

In re Application of Yipeng Chan, ShengHe Huan, Jing Lu Application No. 11/502,129 Filed: August 9, 2006 Title: Method and Structure of a One Time Programmable Memory Device in an Embedded Eeprom	LETTER

Dear ShengHe Huang:

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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MICROVISION, INC.
6222 185TH AVENUE NE
REDMOND WA 98052

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FEB 25 2010

OFFICE OF PETITIONS

In re Patent No. 7,636,101	:	
Application No. 11/502,131	:	
Filed: August 9, 2006		ON PETITION
Issued: December 22, 2009	:	
Attorney Docket No. MVIS 04-23	:	

This is a decision on the petition filed December 22, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to add the name of the second assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Additionally, 37 CFR 3.81(b) requires payment of a $130.00 surcharge fee and the required $100.00 Certificate of Correction fee which will be charged to petitioner's deposit account as authorized December 22, 2009.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-7751. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Joan Olszewski
Petitions Examiner
Office of Petitions

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

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Daniel L. Dawes
Myers Dawes Andras & Sherman LLP
Suite 1150
19900 MacArthur Boulevard
Irvine, CA 92612

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OFFICE OF PETITIONS

In re Application of	:	
Emil Kartalov, et al.	:	
Application No. 11/502,135	:	DECISION ON PETITION
Filed: August 9, 2006	:	TO WITHDRAW
Attorney Docket No. CITI.PAU.59	:	FROM RECORD
	:	

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 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 C. Andras 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 Emil Karalov at the address indicated below.

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: **Emil Karalov**
550 North Catalina Avenue
Apt. 14
Pasadena, CA 91106

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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
11/502,135	08/09/2006	Emil Kartalov	CIT1.PAU.59

CONFIRMATION NO. 8006

POWER OF ATTORNEY NOTICE

OC000000032169938

Daniel L. Dawes
MYERS DAWES ANDRAS & SHERMAN LLP
Suite 1150
19900 MacArthur Boulevard
Irvine, CA 92612

Date Mailed: 09/19/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/02/2008.

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

/tswilliams/

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

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	11/502,172	Confirmation Number	8923	Filing Date	2006-08-10
Attorney Docket Number (optional)	078023.0181	Art Unit	2892	Examiner	Tanika A Warrior
First Named Inventor	Madhukar B. Vora				
Title of Invention	JFET with Built-in Back Gate in either SOI or Bulk Silicon				

Attention: Office of Petitions

An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Madhukar	B.	Vora	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

- (●) (1) I am an inventor in this application and I am 65 years of age, or more.
- ( ) (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Madhukar Vora/	Date (YYYY-MM-DD)	2008-06-11
Name	Madhukar B. Vora		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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In re Application of
Madhukar B. Vora

Application No. 11502172

Filed: August 10,2006

Attorney Docket No. 078023.0181 (DSM-022)

: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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Paper No.

ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

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APR 06 2007

OFFICE OF PETITIONS

In re Application of	:	
Christoph Wuersch et al.	:	
Application No. 11/502,177	:	DECISION ON PETITION
Filed: August 8, 2006	:	
Atty Docket No. 207,558	:	

This is a decision on the "PETITION UNDER 37 C.F.R. §1.10(c) TO CORRECT FILING DATE," filed January 16, 2007, requesting that the above-identified application be accorded a filing date of August 8, 2006, rather than the presently accorded filing date of August 9, 2006.

Petitioner maintains that on August 8, 2006, the application was deposited with the U.S. Postal Service (USPS) in accordance with § 1.10(a). In support thereof, applicant submits copies of the following documents:

- the Express Mail mailing label used;
- their Return Receipt Postcard; and
- a letter from the United States Postal Service.

Paragraph (a) of 37 CFR 1.10 states that:

> Any correspondence received by the U.S. Patent and Trademark Office (USPTO) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed with the USPTO on the date of deposit with the USPS.
>
> (1) 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.

(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).

Paragraph (c) 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 there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Director to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(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 true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

The instant petition was filed promptly within the meaning of § 1.10(c)(1). A review of the application papers presently accorded a filing date of August 9, 2006, reveals that "Express Mail" mailing label No. ER059676017US was placed on the application transmittal identifying the papers presently accorded a filing date of August 9, 2006, prior to the original mailing.

Further, the petition includes a copy of the "Express Mail Post Office to Addressee" mailing label. However, the "date-in"

thereon is not legible. A review of the Official record of the USPS, the Track & Confirm record for this "Express Mail" package (restored offline at www.usps.com), reveals that the USPS considered the package accepted at 10:27 pm, New York, NY 10199 on August 9, 2006, but enroute earlier at 5:07 pm, New York NY 10199 on August 9, 2006. Inasmuch as the enroute time is earlier than the acceptance time the Track & Confirm record is questionable. On the other hand, consistent with petitioner's claim, the mailing label includes a USPS date-stamp dated August 8, 2006. Moreover, the letter provided from the USPS supports a conclusion that the date on the date-stamp is the official "date-in" of receipt at the United States Postal Service. The evidence has been considered and found persuasive that the application was deposited in the Express Mail post office to addressee service of the USPS on August 8, 2006.

In view thereof, the petition is **GRANTED**.

No petition fee is required and none has been charged.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. The application is, thereby, forwarded to OIPE for **correction of the filing date to August 8, 2006** and **issuance of a corrected filing receipt**.

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

Mail Date: 04/20/2010

Applicant	: Anis Zribi	: DECISION ON REQUEST FOR
Patent Number	: 7573578	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/502,189	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **170** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 04/21/2010

Applicant	: Sathy V. Balu-Iyer	: DECISION ON REQUEST FOR
Patent Number	: 7662405	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/502,206	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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THE KINNEY & LANGE BUILDING
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MINNEAPOLIS MN 55415-1002

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OFFICE OF PETITIONS

In re Application
Shi, et al.
Application No. 11/502,212
Filed: August 10, 2006
Dkt. No.: PA0001323A-U73.12-57KL

: PATENT TERM ADJUSTMENT

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed March 1, 2010.

Applicants submit that the correct patent term adjustment to be indicated on the patent is 428 days plus the number of days from August 10, 2009 to the date that the patent issues, not zero 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 and on the basis that the applicant delay is improperly calculated.

37 CFR 1.702(b)

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 fee[1].

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).

37 CFR 1.704

Applicants herein contest the reduction of 516 days. A review of the record reveals that the adjustment of 441 days was improperly reduced 516 days in connection with the information disclosure statement submitted March 3, 2008. Accordingly, the reduction has been restored, as reflected in the copy of the PAIR Calculation included herewith.

In view thereof, the request for correction of the reduction of is GRANTED TO THE EXTENT INDICATED HEREIN.

CONCLUSION

Accordingly, as of the time of allowance, the application is entitled to an overall patent term adjustment of 430 days (adjustment of 441 days less reduction of 11 days).

Receipt is hereby acknowledged of the required patent term adjustment application fee of $200.00. See, 37 CFR 1.18(e).

---

[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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

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

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure: Adjusted PAIR Calculation

PALM INTRANET

Day : Monday
Date: 7/5/2010
Time: 03:56:03

PTA Calculations for Application: 11/502212			
Application Filing Date:	08/10/2006	PTO Delay (PTO):	441
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	527
Post-Issue Petitions:	0	Total PTA (days):	430
PTO Delay Adjustment:	516		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
61	07/05/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	516		
50	01/25/2010	MAIL NOTICE OF ALLOWANCE	1		37
49	01/21/2010	PG-PUB NOTICE OF NEW OR REVISED PROJECTED PUBLICATION DATE			
48	01/20/2010	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
47	01/20/2010	RECEIPT OF ALL ACKNOWLEDGEMENT LETTERS			
46	01/07/2010	ISSUE REVISION COMPLETED			
45	01/07/2010	DOCUMENT VERIFICATION			
44	12/18/2009	NOTICE OF ALLOWABILITY			
41	09/24/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
40	09/24/2009	REFERENCE CAPTURE ON IDS			
39	09/24/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	37
38	10/25/2009	DATE FORWARDED TO EXAMINER			
37	09/24/2009	RESPONSE AFTER NON-FINAL ACTION			
36	09/24/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
34	07/24/2009	MAIL NON-FINAL REJECTION			
33	07/20/2009	NON-FINAL REJECTION			
32	06/08/2009	CASE DOCKETED TO EXAMINER IN GAU			
31	05/19/2009	DATE FORWARDED TO EXAMINER			
30	04/03/2009	RESPONSE AFTER NON-FINAL ACTION		11	28
29	04/03/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
28	12/23/2008	MAIL NON-FINAL REJECTION	440		-1
27	12/19/2008	NON-FINAL REJECTION			

23	03/03/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
22	02/19/2008	MISCELLANEOUS INCOMING LETTER			
21	03/03/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		516	15
20	03/03/2008	REFERENCE CAPTURE ON IDS			
19	07/10/2008	CASE DOCKETED TO EXAMINER IN GAU			
18	03/24/2008	CASE DOCKETED TO EXAMINER IN GAU			
17	03/03/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
16	08/09/2007	APPLICANTS HAVE GIVEN ACCEPTABLE PERMISSION FOR PARTICIPATING FOREIGN			
15	10/04/2006	APPLICANT RESPONSE RECEIVED			
14	08/29/2006	REQUEST FOR APPLICANT STATEMENT REGARDING POTENTIAL NASA INTEREST (45-DAY LETTER) MAILED			
13	08/28/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
12	08/28/2006	APPLICATION RETURN FROM OIPE			
11	08/28/2006	APPLICATION RETURN TO OIPE			
10	08/28/2006	APPLICATION DISPATCHED FROM OIPE			
9	08/28/2006	APPLICATION IS NOW COMPLETE			
8	08/23/2006	AGENCY REFERRAL LETTER MAILED			
7	08/23/2006	AGENCY REFERRAL LETTER MAILED			
6	08/21/2006	REFERRED FOR NASA PROPERTY RIGHTS REVIEW BY L&R LARS			
5	08/21/2006	REFERRED BY L&R FOR THIRD-LEVEL SECURITY REVIEW. AGENCY REFERRAL LETTER GENERATED			
4	08/21/2006	REFERRED BY L&R FOR THIRD-LEVEL SECURITY REVIEW. AGENCY REFERRAL LETTER GENERATED			
3	08/17/2006	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
2	08/16/2006	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	08/10/2006	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON MA 02210

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NOV 15 2006
OFFICE OF PETITIONS

In re Application of	:	
James S. Attaya	:	
Application No. 11/502,280	:	DECISION ON PETITION
Filed: August 10, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 107066-0001	:	37 CFR 1.102(c)(1)
	:	

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

The petition is **GRANTED**.

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

The instant petition includes a copy of applicant's birth certificate. 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 3672 for action on the merits commensurate with this decision.

April M. Wise
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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JAN 2 6 2010

Theodore J. Bielen, Jr.
Bielen, Lampe & Thoeming
1390 Willow Pass Road
Suite 1020
Concord, CA 94520

In re Application of Joel M. Matta et al. Application No. 11/502,290 Filed: August 10, 2006 For: MEDICAL TABLE HAVING CONTROLLED MOVEMENT AND METHOD OF USE	DECISION ON PETITION TO REDATE NON-RECEIVED OFFICE ACTION

This is in response to applicant's petition to reset a period for reply due to non-receipt, filed in the United States Patent and Trademark Office (USPTO) on January 15, 2010.

The petition is **GRANTED.**

Petitioner asserts that the Office action having a mail date of September 1, 2009 was erroneously mailed to the former attorney of record. The Office action in question was forwarded to the current attorney of record from the former on or about October 1, 2009.

A review of the file record indicates that there was a change of power of attorney filed on January 26, 2009. This change was not accepted due to the lack of co-inventor signatures as evidenced by a Notice Regarding Power of Attorney mailed to the applicant on February 12, 2009. On June 15, 2009, a supplement to the original change in power of attorney was filed and subsequently accepted as evidenced by a Notice of Acceptance mailed December 4, 2009.

Because a Revocation and Change of Power of Attorney becomes effective on the date when received, rather than the date when accepted, the address to which the September 1, 2009 Office action was mailed was an incorrect one.

Therefore, applicant's request is granted and the period for response is hereby reset to run 3 months from the October 1, 2009 date that applicant received the Office action.

Any questions regarding this decision should be directed to Quality Assurance Specialist Steven N. Meyers at (571) 272-6611.

Fred Schmidt, Director
Patent Technology Center 3600
(571) 272-5150

Sm/sm: 1/24/10

SM

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

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FEB 25 2010

In re Application of	:	
Akira Goda	:	
Application No. 11/502,317	:	DECISION GRANTING PETITION
Filed: August 9, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 303.918US1	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 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 January 26, 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 2824 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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WEST & ASSOCIATES A, PC
1255 TREAT BLVD
3RD FLOOR
WALNUT CREEK, CA 94597

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MAR 04 2010

In re Application of	:	
Barry H. Sacks	:	
Application No. 11/502,318	:	ON PETITION
Filed: August 9, 2006	:	
Attorney Docket No. SACKS-2001	:	

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 March 26, 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 June 27, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405.00, and the submission required by 37 CFR 1.114; (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center AU 3694 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) 272-0602.

Thurman K. Page
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.
11/502,325	08/09/2006	Katsuhiko Araki	6639P236	7543

7590 03/11/2010
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
TRAN, THAI Q

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
03/11/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

justceny date: 03/11/2010
02 FC:1111 -200.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paul, Hastings, Janofsky & Walker LLP
875 15th Street, NW
Washington, DC 20005

MAILED

JUN 19 2009

OFFICE OF PETITIONS

In re Application of	:	
John Arthur Smith	:	
Application No. 11/502,345	:	DECISION ON PETITION
Filed: August 9, 2006	:	TO WITHDRAW
Attorney Docket No. 00030-005002	:	FROM RECORD
	:	

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 **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Paul, Hastings, Janofsky & Walker, LLP has been revoked by the assignee of the patent application on June 1, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Joseph R. Baker, APC**
Gavrilovich, Dodd & Lindsey LLP
4660 La Jolla Village Drive, Suite 750
San Diego, CA 92122

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/502,374	08/11/2006	Eun-hui Kim	Q95926	7852

7590 02/18/2009
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
OMETZ, DAVID LOUIS

ART UNIT	PAPER NUMBER
2622	

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.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
02/19/2009 NFARMER 0000166180

CHECK Refund Total: $500.00

Adjustment date: 02/19/2009 NFARMER
08/14/2006 KBETEMA1 00000014 11502374
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/502,380	08/10/2006	2811	1510	YOR920060318US1 (01400.00	1	25	3

CONFIRMATION NO. 7856

CORRECTED FILING RECEIPT

OC000000021109642

THE LAW OFFICES OF ROBERT J. EICHELBURG
HODAFEL Building Suite 200
196 Acton Road
Annapolis, MD 21403

Date Mailed: 11/03/2006

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

Applicant(s)

George Liang-Tai Chiu, Cross River, NY;
Sung Kwon Kang, Chappaqua, NY;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 08/28/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/502,380

Projected Publication Date: 02/14/2008

Non-Publication Request: No

Early Publication Request: No

Title

Multipath soldered thermal interface between a chip and its heat sink

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).

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

Mail Date: 05/20/2010

Applicant	: Min-woo Jung	: DECISION ON REQUEST FOR
Patent Number	: 7644232	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/502,384	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/502,410	08/11/2006	Chong-Wan Lee	52059	7774

7590 09/12/2008
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER
FERGUSON SAMRETH, MARISSA LIANA

ART UNIT	PAPER NUMBER
2854	

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.

Kalitus Buchanan
Patent Publication Branch
Office of Data Management

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Adjustment date: 09/12/2008  KKING1
08/14/2006 JBALINAN 00000046 11502410
02 FC:1111                        -500.00 OP
04 FC:1202                        -500.00 OP


Repln. Ref: 09/12/2008 KKING1   0013072600
DA#:182220   Name/Number:11502410
FC: 9204                     $1000.00 CR
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FORM PET651G (Rev. 08/07)

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BANNER & WITCOFF, LTD.
ATTORNEYS FOR CLIENT NO. 016689
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

Mail Date: 04/21/2010

Applicant	: Daisuke Asai	: DECISION ON REQUEST FOR
Patent Number	: 7643651	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/502,417	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **767** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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BANNER & WITCOFF, LTD.
ATTORNEYS FOR CLIENT NO. 016689
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

Mail Date: 05/18/2010

Applicant : Daisuke Asai
Patent Number : 7643651
Issue Date : 01/05/2010
Application No: 11/502,417
Filed : 08/11/2006

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

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

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

The patent term adjustment has been determined to be **802** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

Mail Date: 04/20/2010

Applicant	: Shinichi Yone	: DECISION ON REQUEST FOR
Patent Number	: 7597019	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/502,422	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **111** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/502,461	08/11/2006	Sang-Hyuck Lee	0630-2830PUS1	8331

2292 7590 03/20/2008
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
SUTHAR, RISHI S

ART UNIT	PAPER NUMBER
2862	

NOTIFICATION DATE	DELIVERY MODE
03/20/2008	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):

mailroom@bskb.com

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

Birch, Steward, Kolasch & Birch, LLP
P.O. Box 747
Falls Church, Virginia 222040-0747

MAR 20 2008

In re Application of	:	
Sang-Hyuck LEE, et al.	:	DECISION ON REQUEST TO
Application No. 11/502,461	:	PARTICIPATE IN PATENT
Filed: August 11, 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. 0630-2830PUS1	:	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 January 28, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application is (a) a Paris Convention application, or (b) a national stage application under the PCT, or (c) a so-called bypass application filed under 35 USC 111(a) validly claiming benefit under 35 USC 120 to a PCT application, the PCT application validly claiming benefit under 35 USC 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO 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 KIPO 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 KIPO 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 KIPO 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).

CONCLUSION

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.

Response must be faxed to Michael Day at 571-273-1568.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

Michael Day
TQAS
Technology Center 2800- Semiconductors,
Electrical & Optical Systems & Components

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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FEB 12 2007

OFFICE OF PETITIONS

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

In re Application of :
Brunner, Hellat, and Paschereit :
Application No.: 11/502,468 : DECISION ACCORDING
Filed: August 11, 2006 : RULE 47(a) STATUS
Attorney Docket No: 1033275-000490 :
For: PREMIX BURNER WITH A SWIRL GENERATOR DELIMITING A CONICAL SWIRL SPACE AND HAVING SENSOR MONITORING

This is in response to the petition under 37 CFR 1.47(a), filed November 28, 2006.

The petition is **GRANTED**.

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

The above-cited application was filed on August 11, 2006, and was not accompanied by a proper declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on August 28, 2006, requiring a properly executed declaration and surcharge. The notice allowed an extendable period for reply of two months from its mailing date. On November 28, 2006, the instant petition was filed with a request for an extension of time within the first month.

Petitioner has shown that inventor Paschereit has refused to join the filing of the above-identified application after having been presented with the application papers. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

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

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PO BOX 747
FALLS CHURCH VA 22040-0747

COPY MAILED

NOV 0 5 2009

OFFICE OF PETITIONS

In re Application of William Holm et al. Application No. 11/502,477 Filed: August 11, 2006 Attorney Docket No. **0104-0354PUS2**	: : : : :	NOTICE

This is a notice regarding your request filed September 9, 2009, for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Chueh-An Hsieh	: DECISION ON REQUEST FOR
Patent Number	: 7651937	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/502,480	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **446** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

MAR 12 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of	:	
CHEON, JEE YOUNG, et al.	:	DECISION ON REQUEST TO
Application No. 11/502,482	:	PARTICIPATE IN PATENT
Filed: August 11, 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. 0465-1645PUS1	:	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 January 28, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO 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 KIPO 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 KIPO 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 KIPO 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 comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

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

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

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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

STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE, N.W.
WASHINGTON DC 20036

COPY MAILED

AUG 21 2008

In re Application of	:	
Moungi G. Bawendi et al	:	
Application No. 11/502,493	:	DECISION GRANTING PETITION
Filed: August 11, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 14952.0276 D1	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 18, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 8, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1792 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.*

OIPE
FEB 27 2009
PATENT & TRADEMARK OFFICE

11/502521

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 7,464,542

Issue Date: December 16, 2008

Inventor(s): Shunsuke TOSHIOKA; Masaaki KOBAYASHI; Hisashi OHKI; Masaaki YAMAGUCHI; Kotaro HAYASHI

Title: EXHAUST GAS PURIFICATION SYSTEM FOR INTERNAL COMBUSTION ENGINE

Docket No.: 119710.01

REQUEST FOR CERTIFICATE OF CORRECTION UNDER RULE 322

Certificate
MAR 04 2009
of Correction

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

Sir:

It is respectfully requested that a Certificate of Correction be issued in order to correct the errors specified in the attached copy of Certificate of Correction Form PTO-1050.

The first error, believed to be on the part of the Patent and Trademark Office, is the listing of incorrect cities of three of the Inventors. See attached, September 26, 2006 corrected Official Filing Receipt.

The second error, believed to be on Applicants' part, is an incorrect number for a foreign patent document listed under References Cited.

03/02/2009 SSANDAR1 00000021 7464542
01 FC:1811 100.00 OP

MAR - 4 2009

MAR - 4 2009

Our Check No. 215615 in the amount of One Hundred Dollars ($100.00) is attached in accordance with the provisions of 37 C.F.R. §1.323 and §1.20(a). In the event of any underpayment or overpayment, please debit or credit Deposit Account No. 15-0461 as needed in order to ensure prompt issuance of a Certificate

Respectfully submitted,

James A. Oliff
Registration No. 27,075

Lenwood Faulcon, Jr.
Registration No. 61,310

JAO:LXF/tqs

Date: February 27, 2009

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry;
Charge any fee due to our Deposit Account No. 15-0461

MAR - 4 2009

PTO/SB/44 (02-01)
Approved for use through 1/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Action of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,464,542

DATED : December 16, 2008

INVENTOR(S) : Shunsuke TOSHIOKA; Masaaki KOBAYASHI; Hisashi OHKI; Masaaki YAMAGUCHI; Kotaro HAYASHI

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

(75) Inventors: Shunsuke Toshioka, **Numazu** (JP);...Hisashi Ohki, **Numazu** (JP);
...Kotaro Hayashi, **Mishima** (JP)

(56) References Cited: FOREIGN PATENT DOCUMENTS: "JP A 6-727541 9/1994"
should be "JP A 6-**272**541 9/1994"

MAILING ADDRESS OF SENDER: OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

PATENT NO. 7,464,542

No. of additional copies

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comment on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

MAR - 4 2009

DRK

FEB 27 2009
PATENT & TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/502,521	08/11/2006	3748	1000	119710.01	12	3	1

25944
OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

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SEP 27 2006
OLIFF & BERRIDGE

CONFIRMATION NO. 8842
CORRECTED FILING RECEIPT
OC000000020584745

Date Mailed: 09/26/2006

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

Applicant(s)

Shunsuke Toshioka, Numazu-shi, JAPAN;
Masaaki Kobayashi, Toyota-shi, JAPAN;
Hisashi Ohki, Numazu-shi, JAPAN;
Masaaki Yamaguchi, Toyota-shi, JAPAN;
Kotaro Hayashi, Mishima-shi, JAPAN;

Assignment For Published Patent Application

Toyota Jidosha Kabushiki Kaisha, Toyota-shi, JAPAN

Power of Attorney:

James Oliff--27075
William Berridge--30024
Thomas Pardini--30411
Edward Walker--31450
Mario Costantino--33565
Joel Armstrong--36430
Paul Tsou--37956
Christopher Brown--38025
Eric Morehouse--38565

Domestic Priority data as claimed by applicant

This application is a DIV of 10/843,290 05/12/2004

Foreign Applications

JAPAN 2003-135921 05/14/2003
If Required, Foreign Filing License Granted: 08/25/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/502,521

MAR - 4 2009

Projected Publication Date: 01/04/2007

Non-Publication Request: No

Early Publication Request: No

Title

Exhaust gas purification system for internal combustion engine

Preliminary Class

060

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

MAR - 4 2009

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).

MAR - 4 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 06/15/2010

Applicant	: Charles Louis	: DECISION ON REQUEST FOR
Patent Number	: 7631737	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/502,542	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **497** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/502,544	08/11/2006	Martin Konemann	295048US0	7482

7590 06/08/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
AULAKH, CHARANJIT

ART UNIT	PAPER NUMBER
1625	

NOTIFICATION DATE	DELIVERY MODE
06/08/2009	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

```
Adjustment date: 06/05/2009  BPOWELL
08/14/2006 HDEMESS1 00000005 11502544
02 FC:1111                    -500.00 OP
04 FC:1201                    -800.00 OP
05 FC:1202                    -100.00 OP
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Adjustment date: 06/05/2009  BPOWELL
08/14/2006 HDEMESS1 00000005 11502544
02 FC:1111                    -500.00 OP
04 FC:1201                    -800.00 OP
05 FC:1202                    -100.00 OP
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FORM PET651G (Rev. 08/07)

Refund Ref:
06/05/2009 0030070858

Credit Card Refund Total: $1400.00

AB Exp..: XXXXXXXXXXX1009

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MAR 12 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of PARK, EUN-SUE, et al. Application No. 11/502,549 Filed: August 11, 2006 Attorney Docket No. 0630-2759PUS1	:	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 January 28, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO 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 KIPO 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 KIPO 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 KIPO 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 comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

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

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

Kenneth A. Wieder

Kenneth Wieder
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
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SCHERING-PLOUGH CORPORATION
PATENT DEPARTMENT (K-6-1, 990)
2000 GALLOPING HILL ROAD
KENILWORTH, NJ 07033-0530

COPY MAILED

APR 0 5 2007

OFFICE OF PETITIONS

In re Application of	:	
Anima Ghosal et al	:	
Application No. 11/502,562	:	DECISION GRANTING
Filed: August 10, 2006	:	PETITION
Attorney Docket No. IN06345-01US02	:	

This is a decision on the petition filed October 26, 2006, requesting that the above-identified application be accorded a filing date of August 10, 2006, rather than the presently accorded date of August 11, 2006. The petition is properly treated as a petition under 37 CFR 1.10(d).

Any person filing correspondence under 37 CFR 1.10(d) 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 requests the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on August 10 2006, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by: (1) a copy of Express Mail label No. EV815070883US (which is the same Express Mail number appearing on the application papers in the file record), showing a "date-in" of August 11, 2006 (which is stated by petitioner to be an incorrect date entered by the USPS), and the time of the "date-in" as 4:15 pm; (2) a copy of a USPS Sales Receipt having a sale date of August 10, 2006 for the aforementioned Express Mail label number showing the time of sale as 4:09 pm; and (3) a copy of the USPS Track & Confirm record which shows that the above Express Mail package was accepted on August 10, 2006 at 4:13 pm at the Kenilworth, NJ , USPS.

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 evidence presented is convincing that the Express Mail package was entrusted to the USPS on August 10, 2006. Accordingly, this application is entitled to a filing date of August 10, 2006, and has been so accorded.

In view of the above; the petition is **GRANTED**.

A petition under 37 CFR 1.10(d) does not require the submission of a fee. Accordingly, the $130 fee submitted will be refunded to petitioner's deposit account.

This application file will be referred to the Office of Initial Patent Examination for further processing with a filing date of **August 10, 2006** and mailing of a Corrected Filing Receipt.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

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Commissioner for Patents
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DUANE MORRIS LLP
1667 K Street, N. W.
Suite 700
Washington DC 20006

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OCT 31 2006

OFFICE OF PETITIONS

In re Application of

JENSEN, et al.
Application No. 11/502,566
Filed: August 11, 2006
Attorney Docket No. E5278-00002

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 19, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The evidence submitted with the instant petition is a declaration signed by Mr. Jensen 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 3636 action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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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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OFFICE OF PETITIONS

In re Application of	:	
Randy G. COOPER et al.	:	
Application No. 11/502,575	:	ON PETITION
Filed: August 10, 2006	:	
Attorney Docket No. P-US-JK-01469-B	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 23, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply to the non-final Office action mailed November 6, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 7, 2007.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response to a non-final Office action; (2) the petition fee of $1500; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of November 6, 2006 is accepted as having been unintentionally delayed.

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

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be

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

Telephone inquiries concerning this decision should be directed to Brian Sines at (571) 272-6051 or in his absence, the undersigned at (571) 272-7099.

The application file is being referred to Technology Center AU 3722 for appropriate action on the concurrently filed amendment.

David Buccei
Petitions Examiner
Office of Petitions

cc: Scott B. Markow
701 E. Joppa Rd.
Towson, MD 21286

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OFFICE OF PETITIONS

FERNANDEZ & ASSOCIATES, LLP
PO BOX D
MENLO PARK CA 94025-6204

In re Application of	:	
Raj Sodhi et al	:	DECISION REFUSING STATUS
Application No. 11/502,593	:	UNDER 37 CFR 1.47(a)
Filed: August 9, 2006	:	
Attorney Docket No. PNI-P001	:	

This is in response to the petition under 37 CFR 1.47(a), filed November 2, 2006.

The petition is dismissed.

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

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (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 Jay Prunty was presented with a copy of the complete application papers for this application. From the evidence of record, it only appears that joint inventor Jay Prunty was presented by email with a request for signature for the Declaration/Power of Attorney, and an assignment form to PNI Corporation. If the joint inventor was not presented with a copy of the

application papers for this application, then the joint inventor could not attest that he has "reviewed and understand the application papers" and could not execute the declaration he was requested to sign. Did the joint inventor receive a copy of the application papers? The fact that an application may contain proprietary information does not relieve the rule 47 applicant of the responsibility to present the application papers to the joint inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. Unless petitioner can show that a copy of the application papers was presented to the joint inventor, then petitioner will have to 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 the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

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

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

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

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

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

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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FERNANDEZ & ASSOCIATES, LLP
1047 EL CAMINO REAL
SUITE 201
MENLO PARK CA 94025

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OFFICE OF PETITIONS

In re Application of	:	
Raj Sodhi et al	:	DECISION GRANTING STATUS
Application No. 11/502,593	:	UNDER 37 CFR 1.47(a)
Filed: August 9, 2006	:	
Attorney Docket No. PNI-P001	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed May 16, 2007.

The petition is **GRANTED.**

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

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

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

This application is being referred to the Office of Initial Patent Examination for pre-examination processing.

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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HISCOCK & BARCLAY, LLP
2000 HSBC PLAZA/100 CHESTNUT STREET
ROCHESTER, NY 14604-2404

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AUG 1 1 2008

OFFICE OF PETITIONS

In re Application of :
ZENG, Jun. :
Application No. 11/502,594 :
Filed: August 10, 2006 :
Attorney Docket No. 3021724 (17732.6360.3.1.2) :

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(3)

This is a decision on the petition, filed August 8, 2008, 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 the undersigned at (571) 272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

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

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MAY 04 2009

OFFICE OF PETITIONS

In re Application of
Jeff GNIADEK, et al.
Application No. 11/502,595
Filed: August 9, 2006
Attorney Docket No. **2316.2372US01**

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 1, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 30, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2874 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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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

Mail Date: 04/21/2010

Applicant	: Yutaka Takafuji	: DECISION ON REQUEST FOR
Patent Number	: 7619250	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/502,598	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

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OCT 26 2006

OFFICE OF PETITIONS

In re Application of

GIBSON, et al.
Application No. 11/502,624
Filed: August 11, 2006
Attorney Docket No. 40921-235133

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 3, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes an affidavit from Hamilton O. Smith, 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 1637 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN VA 22102

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SEP 18 2008

In re Application of	:	
NUBLING, Ricky K.	:	
Application No. 11/502,631	:	DECISION ON PETITION
Filed: August 11, 2006	:	TO WITHDRAW
Attorney Docket No. **509622001700**	:	FROM RECORD
	:	

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 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. 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 Alex Chartove on behalf of all attorneys of record who are associated with customer No. 25227. All attorneys/agents associated with the Customer Number 25227 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence 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.

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **RICKY K. NUBLING**
C/O SONOMA PHOTONICS, INC.
1750A NORTHPOINT PARKWAY
SANTA ROSA CA 95407

cc: **CHRISTOPHER P. HARRIS**
TAROLLI, SUNDHEIM, COVELL & TUMMINO, L.L.P.
1300 EAST NINTH STREET
SUITE 1700
CLEVELAND OH 44114

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EDELL, SHAPIRO & FINNAN, LLC
1901 RESEARCH BOULEVARD
SUITE 400
ROCKVILLE, MD 20850

Mail Date: 04/20/2010

Applicant	: Anthony G. Schulte	: DECISION ON REQUEST FOR
Patent Number	: 7597331	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/502,632	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **321** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Klarquist Sparkman, LLP
121 SW Salmon Street
Suite 1600
Portland, OR 97204

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OCT 09 2008

OFFICE OF PETITIONS

In re Application of
Perry C. Smith
Application No. 11/502,657
Filed: August 11, 2006
Attorney Docket No. 7696-76314-01

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 26, 2008.

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

A review of the file record indicates that the power of attorney to Michael P. Girard and all attorneys/agents associated with customer number 24197 has been revoked by the applicant of the patent application on September 2, 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 Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Meredith & Keyhani, PLLC
330 Madison Avenue
6th Floor
New York, NY 10017

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/502,657	08/11/2006	Perry C. North	7696-76314-01

CONFIRMATION NO. 8403

POWER OF ATTORNEY NOTICE

24197
KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

OC000000032511037

Date Mailed: 10/09/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/02/2008.

- 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).

/kainabinet/

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

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

Mail Date: 04/21/2010

Applicant	: David N. Schmaling	: DECISION ON REQUEST FOR
Patent Number	: 7585153	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/502,668	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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

THE LAW OFFICES OF STEVEN MCHUGH, LLC
46 WASHINGTON STREET
MIDDLETOWN CT 06457

MAILED

MAY 18 2010

OFFICE OF PETITIONS

In re Application of	:	
Stanley P. Johnson	:	
Application No. 11/502,678	:	DECISION ON PETITION
Filed: August 12, 2006	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. SPJ-0009	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed March 22, 2010 and March 25, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of a prior-filed provisional application.

The petition is **DISMISSED**.

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

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

With regards to item (1), petitioner has requested benefit of Application No. 60/389,357 filed on June 17, 2002. However, this provisional application expired on June 18, 2003. Therefore, since the instant application was filed on August 12, 2006, no copendency exists between these two applications. Copendency between the instant application and the prior application is required. Further, since the applications are not copending, the benefit claim to the prior-filed provisional is improper.

If petitioner wishes to use Application No. 10/460,941, filed June 13, 2003, as the intermediate application, the benefit claim must be rewritten to clearly identify the intermediate application as claiming the benefit of the provisional application. The Office can then determine whether the intermediate nonprovisional application was filed within 12 months of the provisional application and thus, whether the claim is proper. Otherwise, applicant is required to delete the reference to the prior-filed application from the first sentence(s) of the specification, unless applicant can establish copendency between the applications.

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a substitute amendment[1] correcting the above matter, along with a renewed petition under 37 CFR 1.78(a)(6), is required. No further petition fee is necessary.

Additionally, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Further 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 Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

---

[1] *Note* 37 CFR 1.121

UNITED STATES PATENT AND TRADEMARK OFFICE

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THE LAW OFFICES OF STEVEN MCHUGH, LLC
46 WASHINGTON STREET
MIDDLETOWN CT 06457

MAILED

JUN 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Stanley P. Johnson	:	
Application No. 11/502,678	:	DECISION GRANTING PETITION
Filed: August 12, 2006	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. SPJ-0009	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed May 28, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of a prior-filed provisional application, as 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 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 provisional application is submitted after expiration of the period specified by 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

The instant nonprovisional application was pending at the time of filing of the reference to the prior-filed provisional application as required by 37 1.78(a)(5)(iii).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(6) in that (1) a reference to the above-noted, prior-filed provisional 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)(5)(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. § 119(e) to

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

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

Additionally, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Any inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751. Any 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 2878 for appropriate action on the amendment submitted May 28, 2010, including consideration by the examiner of the claim under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(5) for the benefit of the prior-filed provisional application.

/Liana Walsh/
Liana Walsh
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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/502,678	08/12/2006	2878	800	SPJ-0009	20	2

CONFIRMATION NO. 8542

CORRECTED FILING RECEIPT

42638
THE LAW OFFICES OF STEVEN MCHUGH, LLC
46 WASHINGTON STREET
MIDDLETOWN, CT 06457

OC000000042277489

Date Mailed: 06/24/2010

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)

Stanley P. Johnson, Simsbury, CT;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 10/460,941 06/13/2003 PAT 7,227,163
which claims benefit of 60/389,357 06/17/2002

Foreign Applications

If Required, Foreign Filing License Granted: 08/30/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/502,678**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

A PRODUCT INSPECTION SYSTEM AND A METHOD FOR IMPLEMENTING SAME

Preliminary Class

250

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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

MAILED

MAY 17 2010

OFFICE OF PETITIONS

In re Application of	:	
Both et al.	:	DECISION ON PETITION
Application No. 11/502,680	:	TO WITHDRAW
Filed: August 11, 2006	:	FROM RECORD
Attorney Docket: 085804-721502	:	

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 23, 2010.

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

A review of the file record indicates that the assignee of the patent application on filed a new Power of Attorney on April 16, 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 the undersigned at 571-272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: YAHOO! INC. C/O GREENBERG TRAURIG, LLP
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK NY 10166

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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BAKER BOTTS, L.L.P.
PATENT DEPARTMENT
98 SAN JACINTO BLVD., SUITE 1500
AUSTIN, TX 78701-4039

COPY MAILED

JUL 3 1 2007

OFFICE OF PETITIONS

In re Application of Christopher G. Rylander, et. al. Application No. 11/502,687 Filed: August 12, 2006 Attorney Docket No. 065715.0118	: : : : :	DECISION GRANTING PETITION

This is a decision on the petition filed on September 6, 2006, requesting that the above-identified application be accorded a filing date of August 12, 2006, rather than the presently accorded date of August 11, 2006.

Petitioner alleges that the application was deposited in Express Mail Service on August 12, 2006. In support, the petition is accompanied by a copy of Express Mail receipt No. EV352405335US, which shows a date in of August 12, 2006, and a copy of the USPS Track and Confirm search results, which shows that the Express Mail package in question was accepted on August 12, 2006 at 12:53 p.m.. It is noted that the Application Transmittal Letter contained the same Express Mail label number.

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. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on August 12, 2006.

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

This application file is being forwarded to the Office of Initial Patent Examination (OIPE) for **correction of the filing date to August 12, 2006 and for issuance of a corrected filing receipt.**

Telephone inquiries relating to this decision should be directed to Andrea Smith at (571) 272-3226. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND, OH 44114

MAILED

JUN 10 2010

OFFICE OF PETITIONS

In re Application of :
William R. Knight et al :
Application No. 11/502,711 : ON PETITION
Filed: August 11, 2006 :
Attorney Docket No. 06821/07290

This is a decision on the petition, filed June 9, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 5, 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 1792 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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Absolute Technology Law Group, LLC
135 W. Wells Street
Suite 518
Milwaukee, WI 53203

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NOV 0 3 2008

OFFICE OF PETITIONS

In re Application of	:	
Steven Harp	:	
Application No. 11/502,733	:	DECISION ON PETITION
Filed: August 12, 2006	:	TO WITHDRAW
Attorney Docket No. HARP_np_08_06	:	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 8, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Jill Gilbert Welytok on behalf of all attorneys/agents of record. All attorneys/agents have been withdrawn.

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

The correspondence address has been changed and is copied below.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Steven Harp
24422 Galo Canyon
San Antonio, TX 78260

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/502,733	08/12/2006	Steven Harp	HARP_np_08_06

CONFIRMATION NO. 1521

POWER OF ATTORNEY NOTICE

57520
ABSOLUTE TECHNOLOGY LAW GROUP LLC
135 W. WELLS ST.
SUITE 518
MILWAUKEE, WI 53203

OC000000032907329

Date Mailed: 10/31/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/08/2008.

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

/kainabinet/

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

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HISCOCK & BARCLAY, LLP
2000 HSBC PLAZA
100 Chestnut Street
ROCHESTER NY 14604-2404

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APR 23 2008

OFFICE OF PETITIONS

In re Application of	:	
SARKIS, et al.	:	
Application No. 11/502,738	:	DECISION GRANTING PETITION
Filed: August 11, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **3016133 US02**	:	

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 18, 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 Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 2876 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

Monica A. Graves
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO CA 94303

COPY MAILED
OCT 25 2006
OFFICE OF PETITIONS

In re Application of	:	
YOUNG	:	
Application No. 11/502,746	:	DECISION ON PETITION
Filed: August 11, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. PA3907US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 22, 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 copy of Mr. Smith's Maryland Driver's License and a declaration signed by Mr. Smith indicating that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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 1637 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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

Mail Date: 04/21/2010

Applicant	: Phillip Chapin	: DECISION ON REQUEST FOR
Patent Number	: 7586377	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/502,749	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **98** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

Paper No.

Audrey A. Millemann
Weintraub Genshlea Chediak
11th Floor
400 Capitol Mall
Sacramento CA 95814

COPY MAILED
DEC 29 2006
OFFICE OF PETITIONS

In re Application of	:	
Leupp et al.	:	DECISION ON PETITION
Application No. 11/502,756	:	
Filed: August 11, 2006	:	
Atty Docket No. 12161/15439	:	

This is a decision on the PETITION UNDER 37 C.F.R. §1.53(e) TO ACCEPT DRAWINGS AND ACCORD A FILING DATE filed October 2, 2006. Petitioners request that the Office accord the above-identified application a filing date of August 11, 2006.

This decision also responds to the PETITION UNDER 37 CFR §1.182 TO EXPEDITE[1] PETITION UNDER 37 C.F.R. §1.53(c) TO ACCEPT DRAWINGS AND ACCORD A FILING DATE filed October 2, 2006. Action on the petition under 37 C.F.R. was undertaken prior to and without consideration of the petition to expedite (in other words, action on the petition was not expedited). In view thereof, no fee for consideration of the petition to expedite is necessary. The fee submitted is being refunded to Deposit Account No. 50-1176, as authorized.

Application papers in the above-identified application were deposited on August 11, 2006. However, on August 29, 2006, the Initial Patent Examination Division mailed applicants a NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION. Applicants were

[1] The undersigned was unaware that such a petition had been filed. It is recommended that after filing a petition to expedite applicants contact the Office of Petitions at 571-272-3282 to make sure the Office is aware that such expedited treatment has been requested.

thereby notified that the application papers had not been accorded a filing date because the application was filed without drawings.

Applicants maintain, in effect, that the application as filed on August 11, 2006 included five sheets of drawings. In support thereof, applicants submit a copy of their return postcard. Applicants also submit a copy of the five sheets of drawings as filed on August 11, 2006.

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 August 11, 2006, and the items filed therewith were assigned Application No. 11/502,756; 2) it specifically identifies the items being filed, including "Drawings - 5 pgs" 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 5 sheets of drawings, were filed on August 11, 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 to Deposit Account No. 50-1176, as authorized.

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

- **correction of the filing date to August 11, 2006** using the application papers received in the Office and presently accorded that date; and the 5 sheets of drawings re-supplied on petition filed October 2, 2006;

- for indication in Office records, as appropriate, that 5 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

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

ANDREA D. ATWATER
114 RIVERWALK LANE
BARRINGTON IL 60010

COPY MAILED

OCT 31 2006

OFFICE OF PETITIONS

In re Application of	:	
Andrea D. Atwater et al.	:	
Application No. 11/502,762	:	DECISION ON PETITION
Filed: August 11, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 06002	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 30, 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 one of the applicants declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3724 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RIZWAN AHMAD
1671 RUE SAINT DEVI
MONTREAL QC H2X 3K4 CA CANADA

MAILED

JUN 3 0 2010

OFFICE OF PETITIONS

In re Application of	:	
Rizwan Ahmad	:	
Application No. 11/502,769	:	DECISION ON PETITION
Filed: August 14, 2006	:	
Attorney Docket No. None	:	

This is a decision on the petition, filed January 14, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

This application was held abandoned for failure to reply to the Final Office action mailed May 11, 2009, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on December 22, 2009.

Petitioner asserts that a timely request for an interview was filed in response to the Office action and therefore requests that the Notice of Abandonment be reversed.

Petitioner should note that a request for an interview is not considered a proper reply to an Office action. Petitioner's attention is directed to 37 CFR 1.135 which states: (a) If an applicant of a patent application fails to reply within the time period provided under 1.134 and 1.136, the application will become abandoned unless an Office action indicates otherwise. (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment. (c) When reply by the applicant is a *bona fide* attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under 1.134 to supply the omission.

In view of the above, the request to withdraw of the holding of abandonment in the above-identified application cannot be granted.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

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

(1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).

(2) The petition fee as set forth in 37 CFR 1.17(m), $810.00 for a small entity;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

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

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

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

By Internet: EFS-Web[1]

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

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

Carl Friedman
Petitions Examiner
Office of Petitions

Enclosure: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64 and Privacy Act Statement

[1] **www.uspto.gov/ebc/efs_help.html** (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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

ANDREA E. ATWATER
114 RIVERWALK LANE
BARRINGTON IL 60010

COPY MAILED
NOV 03 2006
OFFICE OF PETITIONS

In re Application of	:	
ATWATER, et al.	:	
Application No. 11/502,775	:	DECISION ON PETITION
Filed: August 11, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 06001	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 30, 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 Andrew J. Bartoli; 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 3724 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ANDREA E. ATWATER
114 RIVERWALK LANE
BARRINGTON IL 60010

COPY MAILED
NOV 01 2006
OFFICE OF PETITIONS

In re Application of	:	
ATWATER, et al.	:	
Application No. 11/502,776	:	DECISION ON PETITION
Filed: August 11, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 06003	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 30, 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. Bartoli 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 3724 for action on the merits commensurate with this decision.

Volpe for

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

MAILED

APR 20 2009

OFFICE OF PETITIONS

Applicant: Rankin
Appl. No.: 11/502,782
Filing Date: August 11, 2006
Title: SYSTEMS AND METHODS FOR SUPPLYING INK AND TONER CARTRIDGES
Attorney Docket: S1342.70009US00
Pub. No.: US 2008/0040234 A1
Pub. Date: February 14, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 17, 2008, for the above-identified application.

The request is GRANTED.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

A request for corrected publication should point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

Inquiries relating to this matter may be directed to Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.

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

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

MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO IL 60606

COPY MAILED

JUN 10 2008

OFFICE OF PETITIONS

In re Application of	:	
Paul Barraclough, et al	:	
Application No. 11/502,784	:	DECISION GRANTING PETITION
Filed: August 11, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 30357/38354A	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 6, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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APR 27 2010
OFFICE OF PETITIONS

COHEN, PONTANI, LIEBERMAN & PAVANE LLP
SUITE 1210
551 FIFTH AVENUE
NEW YORK, NY 10176

In re Application of	:	
Johanna Pekonen, et al.	:	
Application No.: 11/502,788	:	ON PETITION
Filed: August 11, 2006	:	
Attorney Docket No.: 4925-221PCON	:	

This is a decision on the petition, filed April 27, 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 22, 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2618 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.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

COPY MAILED

NOV 16 2006

OFFICE OF PETITIONS

In re Application of	:	
Alon Shalev, et. al.	:	
Application No. 11/502,790	:	DECISION GRANTING
Filed: August 11, 2006	:	PETITION
Attorney Docket No. 207,776	:	

This is a decision on the petition filed September 27, 2006, requesting that the above-identified application be accorded a filing date of August 11, 2006, rather than the presently accorded date of August 12, 2006. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner alleges that the application was deposited in Express Mail Service on August 11, 2006. In support, the petition is accompanied by a copy of Express Mail label No. ER 059676048 US, which bears a USPS receipt date stamp of August 11, 2006. It is also noted that the Application Transmittal Letter contained the same Express Mail number, which references a fee transmittal form, a small entity statement, specification, drawings, an oath or declaration, a preliminary amendment and a postcard receipt.

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. Since the evidence is convincing that the application was in the hands of a U. S. Postal Service employee on August 11, 2006, the petition is **GRANTED**.

This application file is being forwarded to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **August 11, 2006, and for issuance of a corrected filing receipt.**

Telephone inquiries relating to this decision should be directed to Andrea Smith at (571) 272-3226. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date Mailed : June 22, 2010

Patent No. : 7,521,529
Inventor :11/502805
Patent Issued :April 21, 2009
Title :DIFFERENTIALLY PROTECTED ORTHOGONAL LANTHIONINE
:TECHNOLOGY

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Inspection of the application for the patent reveals that in connection with the alleged error pertaining to the claims 5 and 6; the requested change is not warranted. According to the records of this office, the supplemental examiner's amendment mailed out 1/26/09 and interview summary mailed on 1-26-09 cancelled both claims 5 and 6 since they both depend on cancelled claim 4. The attorney agreed to this amendment on January 15, 2009 during a telephonic interview.

In view of the foregoing applicants request in this matter is hereby denied. Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 756-1541.

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756- 1541

McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Drive
Chicago, Illinois 60606

/arg

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 06-15-10

TO SPE OF : ART UNIT 1654

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/502805 Patent No.: 7521529

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Angela Green 703-756-1541
Certificates of Correction Branch
703-756-1814

Thank You For Your Assistance

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

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

Comments: During telephonic interview with Ms. Hillman on January 15, 2009, Examiner Ha indicated that claims 5 and 6 depended on cancelled claim 4. Ms. Hillman authorized the Examiner to cancel claims 5 and 6. The Examiner mailed out a supplemental Examiner's Amendment indicating that claims 5-6 have been cancelled in addition to claims 1, 4 and 14-17, on January 26, 2009. Claims 2-3, 7-13 and 18 were allowed. Therefore, claims 5 and 6 had been cancelled, and thus, the certification of correction is denied.

Cecilia Tsay — SPE

1654 — Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04-02-08

TO SPE OF : ART UNIT 1618

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/502830** Patent No.: **7276253**

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

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

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

Angela Green
Certificates of Correction Branch
703.308.9380 ext. 123

Thank You For Your Assistance

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

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

Comments: _____

SPE — **Art Unit** 1618

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.	: 7,276,253
Issue Date	: October 2, 2007
Patentees	: Hesse et al..
Title	: Stable Drug Form for Oral Administration With Benzimidazole Derivatives as Active Ingredient and Process for the Preparation Thereof
Serial No.	: 11/502,830
Examiner	: Susan Tran
Docket No.:	: 1103326-0599-Con2/Div

OK TO ENTER: /S.T./

I hereby certify that this paper is being transmitted via the Electronic Filing System to the U.S. Patent and Trademark Office on the date indicated below.	
/Andrew Fessak/	January 11, 2008
Signature	Date

REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT FOR PTO MISTAKE [37 C.F.R. §1.322(a)]

1. It is noted that a printing error appears in the referenced patent which is attributable to the Office.

2. The location where the error(s) is/are shown correctly in the application file is:

Column and Line Number of Issued Patent	Location in Application File Where the Error is Shown Correctly
Col. 4, line 14 "30 degree C." should read --25 degree C.--	Figure 5; and Page 30, final paragraph, of the specification as originally filed (Example 9)

3. By this communication, Patentees are requesting correction of the description of Figure 5 in the specification at col. 4, line 14. Specifically, the Examiner's Amendment dated June 26, 2007 erroneously states that the data in Figure 5 was taken after 12 weeks of storage at ***30*** degrees C. (incorrect), whereas the actual storage temperature is ***25*** degrees C. (correct). The

correct temperature is given in Figure 5 itself; and in the specification in the discussion regarding Example 9 at page 30, final paragraph.

4. Attached is a copy of Form PTO/SB/44 (also Form PTO-1050).

5. Please send the Certificate to the undersigned Agent.

6. No fee should be due in connection with this communication. However, if a fee is deemed to be due, the Commissioner is authorized to charge such fee to Deposit Account No. 23-703.

Dated: January 11, 2008

Respectfully submitted,

/Andrew Fessak/
Reg. No. 48,528
Customer No. 07470
Agent's Direct Line: (212) 819-8437

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,276,253

APPLICATION NO.: 11/502,830

ISSUE DATE : October 2, 2007

INVENTOR(S) : Hesse et al.

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

Col. 4:
Line 14: "30 degree C." should read –25 degree C.–

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Andrew Fessak
White & Case LLP, Patent Department
1155 Avenue of the Americas, New York, NY 10036

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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LAW OFFICE OF DONALD D. MONDUL
3060 BONSAI DRIVE
PLANO TX 75093

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SEP 29 2008

OFFICE OF PETITIONS

In re Application of	:	
David J. NAKAMURA, et al	:	
Application No. 11/502,857	:	DECISION ON PETITION
Filed: August 10, 2006	:	
Docket No. DDM06-017BDN05-1121	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, January 31, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 1, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1540; and (3) an the required statement of unintentional delay.

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

This application is being referred to Technology Center AU 2839 for appropriate action by the Examiner in the normal course of business on the reply received August 18, 2008.

Thurman Page
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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LAW OFFICE OF DONALD D. MONDUL
PO Box 1203
354 Moose Lane
Seeley Lake, MT 59868-1203

Mail Date: 04/21/2010

Applicant	: David J. Nakamura	: DECISION ON REQUEST FOR
Patent Number	: 7581994	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/502,857	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **239** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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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

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APR 0 7 2008

OFFICE OF PETITIONS

In re Application of	:	
Adelman et al.	:	
Application No. 11/502863	:	
Filing or 371(c) Date: 08/11/2006	:	
Attorney Docket Number:	:	
CL3182 US NA	:	ON PETITION

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed February 7, 2008.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed August 28, 2006. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned October 29, 2006[1]. A Notice of Abandonment was mailed May 9, 2007.

Applicant files the present petition and oath/declaration in response to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to the Office of Patent Application Processing ("OPAP") for processing of the reply to the Notice in due course.

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

Derek L. Woods
Attorney
Office of Petitions

[1] No extension of time to respond to an Office action is available after the application becomes abandoned – the application must be revived. The extension of time fee has been refunded to Applicant's deposit account.

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

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OFFICE OF PETITIONS

In re Application of	:	
Eren Niazi, et al.	:	
Application No. 11/502,891	:	DECISION ON PETITION
Filed: August 11, 2006	:	TO WITHDRAW
Attorney Docket No. 25497-12087	:	FROM RECORD
	:	

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 5, 2007.

The request is **NOT APPROVED**.

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

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

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

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

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: SUZANNE DECKER
1271 WASHINGTON AVENUE, #318
SAN LEANDRO, CA 94577

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MOUNTAIN VIEW, CA 94041

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OFFICE OF PETITIONS

In re Application of
Eren Niazi, et al.
Application No. 11/502,891
Filed: August 11, 2006
Attorney Docket No. 25497-12087

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 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 John T. McNeils on behalf of all attorneys of record who are associated with customer No. 00758.

All attorneys/agents associated with the Customer Number 00758 have been withdrawn.

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

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

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There are no pending Office actions at the present time.

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: EREN NIAZI
168 RAWLS COURT
SAN JOSE, CA 95139

cc: SUZANNE DECKER
1271 WASHINGTON AVENUE #318
SAN LEANDRO, CA 94577

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/502,891	08/11/2006	Eren Niazi	25497-12087

CONFIRMATION NO. 9828

POWER OF ATTORNEY NOTICE

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

OC000000029036524

Date Mailed: 03/24/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/22/2008.

- 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.

/amwise/

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

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O2MICRO INC
C/O MURABITO, HAO & BARNES LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE CA 95113

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In re Application of	:	
Laszlo Lipcsei et al	:	
Application No. 11/502,904	:	DECISION GRANTING PETITION
Filed: August 11, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 02-0248	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 11, 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 23, 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 2838 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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Beyer Law Group LLP
P.O. BOX 1687
Cupertino, CA 95015-1687

Mail Date: 04/20/2010

Applicant	: Zhengyu Zhang	: DECISION ON REQUEST FOR
Patent Number	: 7620652	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/502,908	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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ATER WYNNE LLP
222 SW COLUMBIA, SUITE 1800
PORTLAND OR 97201-6618

In re Application of	:	
Gary Wilson	:	
Application No. 11/502,917	:	DECISION ON PETITION
Filed: August 11, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 076-304-1	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the petitions under 37 CFR 1.102(c)(2)(i) and (ii), filed August 11, 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 provision of a metal cladding per applicant's invention does not, on its own, contribute to materially enhancing the quality of the environment. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might apply the invention in a manner that could materially enhance the quality of the environment.

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 102(c)(2)(ii). Although the disclosure may be generally directed to inventions relating to the reduction of energy consumption when used/applied in certain applications, 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. That the claddings disclosed in the instant invention when applied in various applications listed in the disclosure could possibly result in conservation of fossil fuels does not in itself contribute to the preservation of fossil fuels. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially contribute to category (A) or (B). Accordingly, it is unclear as to how the claimed invention would contribute in a significant manner to the reduction of energy consumption.

This lack of meeting the materiality standards of 37 CFR 102(c)(2) (i) and (ii) does not permit the applicant to enjoy the benefit of advanced examination.

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

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

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

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Ramesh Krishnamurthy at 571-272-4914, or in his absence, 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 1775 for action in its regular turn.

David Bucci
Petitions Examiner
Office of Petitions

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

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OFFICE OF PETITIONS

In re Application of	:	
Worrall et al.	:	DECISION ON PETITION
Application No. 11/502,928	:	TO WITHDRAW
Filed: August 11, 2006	:	FROM RECORD
Attorney Docket No. None	:	

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 2, 2009.

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

A review of the file record indicates that the power of attorney to practitioners associated with Morrison & Foerster LLP was revoked by the assignee of the patent application on September 24, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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

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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
11/502,928	08/11/2006	Chandrika K. Worrall	562492007500

CONFIRMATION NO. 9164

POWER OF ATTORNEY NOTICE

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

OC000000038843116

Date Mailed: 11/18/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/24/2009.

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

/atkelley/

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

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

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OFFICE OF PETITIONS

In re Application of	:	
Haris Zisimopoulos, et al.	:	
Application No. 11/502,929	:	DECISION ON PETITION
Filed: August 11, 2006	:	TO WITHDRAW
Attorney Docket No. 562492007300	:	FROM RECORD
	:	

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 2, 2009.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner of law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request does not include an acceptable current correspondence address for future communications from the Office.

Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer Number Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (Form PTO/SB/83).

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

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

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

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

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BRUCE L. ADAMS, ESQ.
SUITE 1231
17 BATTERY PLACE
NEW YORK, NY 10004

Mail Date: 05/04/2010

Applicant	: Manabu Oumi	: DECISION ON REQUEST FOR
Patent Number	: 7630287	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/502,931	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **642** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

COPY MAILED

JUN 23 2008

OFFICE OF PETITIONS

In re Application of	:	
Wang, et al.	:	
Application No. 11/502,933	:	DECISION ON PETITION
Filed: August 11, 2006	:	
Attorney Docket No. ABS-3030 US	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed May 30, 2008.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely file a complete response to the Notice to File Missing Parts mailed August 28, 2006, which required an executed oath or declaration and a surcharge for its late filing. Applicants filed a reply on October 27, 2006. However, the declaration lacked the signature of inventor Wang. Accordingly, the Office mailed a Notice of Incomplete Reply on November 13, 2006, stating that the period for reply would continue to run from the mailing date of the August 28, 2006 Notice. The Office mailed a Notice of Abandonment on May 19, 2008, stating that no reply had been received.

On petition, petitioner argues that he filed a declaration on November 27, 2006. In support thereof, petitioner has included a copy of a USPTO date stamped postcard receipt, itemizing a response and a declaration, dated November 27, 2006. Lastly, a review of Office records reveals that the Office received the fee for a one month extension of time on November 27, 2006.

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 the Office of Patent Application Processing, using the declarations filed on October 27, 2006, and November 27, 2006 (a copy of which was supplied with the instant petition).

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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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Knobbe, Martens, Olson & Bear LLP
2040 Main Street
14th Floor
Irvine, CA 92614

Mail Date: 04/21/2010

Applicant	: Robert C. Haro	: DECISION ON REQUEST FOR
Patent Number	: 7597574	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/502,935	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **37** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/502,941	08/11/2006	Philip Damberg	TESSERA 3.0-483	1127

38091 7590 07/02/2009
TESSERA
LERNER DAVID et al.
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER
CLARK, JASMINE JHIHAN B

ART UNIT	PAPER NUMBER
2815	

MAIL DATE	DELIVERY MODE
07/02/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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TESSERA
LERNER DAVID et al
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

In re Application of: Philip Damberg Serial No.: 11/502,941 Filed: August 11, 2008 Attorney Docket No.: TESSERA 3.0-483	: : : : :	DECISION *SUA SPONTE* WITHDRAWING HOLDING OF ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

A restriction requirement was mailed on August 21, 2008, setting a thirty-day shortened statutory period for response thereto. A response to that restriction was received September 25, 2008 with a certificate of mailing dated September 22, 2008. A Notice of Abandonment was mailed on April 02, 2009.

Although no petition or request to withdraw the holding of abandonment in this application has been filed, the Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn in view of the fact that a Response was timely filed on September 22, 2008. The application is not abandoned in fact.

The election filed September 25, 2008 will be processed and the examiner will prepare an Office action in due course. Inconvenience to the applicant is regretted.

Any inquiry regarding this decision should be directed to Jose Dees, Special Program Examiner, at (571) 272-1569.

Richard Seidel, TC Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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

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

MAILED

APR 09 2010

OFFICE OF PETITIONS

In re Application of
Mark D. Bednarski, et al.
Application No. 11/502,974
Filed: August 11, 2006
Attorney Docket No. 67425-5003-US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 21, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner of law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request does not include an acceptable current correspondence address for future communications from the Office.

Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer Number Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (Form PTO/SB/83).

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

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

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

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

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 FARRELL LAW FIRM, LLP
290 BROADHOLLOW ROAD
SUITE 210E
MELVILLE, NY 11747

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NOV 2 5 2009

OFFICE OF PETITIONS

In re Application of	:	
Jeong et al.	:	
Application No. 11/503,010	:	ON PETITION
Filed: August 11, 2006	:	
Attorney Docket No. 764-40	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 2, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). In view of the one (1) month extension of time filed July 2, 2009, the date of abandonment of this application is July 3, 2009. A Notice of Abandonment was mailed September 29, 2009.

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

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center AU 1796 for processing of the RCE and for appropriate action by the Examiner in the normal course of business in accordance with 37 CFR 1.114.

Chris Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THE LAW OFFICES OF ANDREW D. FORTNEY, PH.D, P.C.
215 W FALLBROOK AVE., SUITE 203
FRESNO, CA 93711

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AUG 2 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Rajdeep GHOSH, et al	:	
Application No. 11/503,017	:	DECISION ON PETITION
Filed: August 11, 2006	:	TO WITHDRAW
Attorney Docket No. MED/PAT 0022/4945P	:	FROM RECORD

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 20, 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 Andrew D. Fortney on behalf of the attorneys of record associated with Customer No. 36872.

The attorneys of record associated with Customer No. 36872 have been withdrawn.

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

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

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

/Diane Goodwyn/
Petitions Examiner
Office of Petitions

cc: RAJDEEP GHOSH
#3526 20TH MAIN, 'A' CROSS,
VIJAYNAGAR 2ND STAGE,
MYSORE-570017,
KARNATAKA, INDIA

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
11/503,017	08/11/2006	Rajdeep Ghosh	Med/Pat 0022/4945P

CONFIRMATION NO. 1981

POWER OF ATTORNEY NOTICE

36872
THE LAW OFFICES OF ANDREW D. FORTNEY, PH.D., P.C.
215 W FALLBROOK AVE SUITE 203
FRESNO, CA 93711

OC000000037417307

Date Mailed: 08/19/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/20/2009.

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

/dcgoodwyn/

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

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

MAILED

MAY 17 2010

OFFICE OF PETITIONS

In re Application of	:	
Both et al.	:	DECISION ON PETITION
Application No. 11/503,049	:	TO WITHDRAW
Filed: August 11, 2006	:	FROM RECORD
Attorney Docket: 085804-721503	:	

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 23, 2010.

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

A review of the file record indicates that the assignee of the patent application on filed a new Power of Attorney on April 16, 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 the undersigned at 571-272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: YAHOO! INC. C/O GREENBERG TRAURIG, LLP
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK NY 10166

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date : December 10, 2009

Patent No. :7574554
Inventor(s) :Katsuya Tanaka
Issued :August 11, 2009
Title :STORAGE SYSTEM AND DATA PROTECTION METHOD THEREFOR

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction.

Review of the application file has revealed the omission of the Foreign Priority data on the printed patent as a result of applicant's failure to fully comply with 35 U.S.C. 119, in that conditional requirements were not met. Applicant's attention is directed to MPEP 201.14(a), 37 CFR 1.17(i).

In view of the forgoing, applicant's request in this matter is hereby denied.

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

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756-1541

Sughrue Mion, PLLC
2100 Pennsylvania Avenue, N.W.
Ste 800
Washington DC 20037

/arg

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : Dec. 12 2008

TO SPE OF : ART UNIT 2872

SUBJECT : Request for Certificate of Correction for Appl. No.:/11/503069 /7385746

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: _____

Stephone B. Allen
Supervisory Patent Examiner

Stephone B. Allen

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

PAPER NO.:

DATE : 7/15/10

TO SPE OF : ART UNIT: 2861 Attn: LUU MATTHEW (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/503081 Patent No.: 7470020

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 Building (RSQ)
2800 South Randolph Street, Suite 9XXXX
Arlington, VA 22206
PALM Location 7580

Tasneem Siddiqui

Certificates of Correction Branch
703-756-1593

Thank You for Your Assistance

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

- [x] **Approved** — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: The Request for Certificate of Correction filed on 07/09/2010 has been approved.

MATTHEW LUU
SUPERVISORY PATENT EXAMINER

SPE

2861
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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HELLER EHRMAN LLP
4350 LA JOLLA VILLAGE DRIVE #700
7TH FLOOR
SAN DIEGO CA 92122

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AUG 1 8 2008

OFFICE OF PETITIONS

In re Application of	:	
PABARI, Vipul	:	
Application No. 11/503,090	:	DECISION ON PETITION
Filed: August 10, 2006	:	TO WITHDRAW
Attorney Docket No. **41965-0003**	:	FROM RECORD
	:	

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 23, 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.

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, **(assignee of this application has discharged Heller Ehrman LLP and requests transfer this application to new counsel)**, does not meet any the conditions set forth in 37 CFR 10.40, because the assignee has not properly intervened in accordance with CFR 3.73(b).

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **LISA A. HAILE, J.D., PH.D.**
DLA PIPER US LLP
4365 EXECUTIVE DRIVE, SUITE 1100
SAN DIEGO, CA 92121

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100108

DATE : January 08, 2010

TO SPE OF : ART UNIT 1652

SUBJECT : Request for Certificate of Correction on Patent No.: 7,498,150

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:

/ANDREW WANG/
Supervisory Patent Examiner.Art Unit 1656

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.
11/503,121	08/14/2006	David D. Farris	genc0176C	2296

25101 7590 07/14/2010
Philip D. Freedman PC
1449 Drake Lane
Lancaster, PA 17601

EXAMINER
MOORE, MARGARET G

ART UNIT	PAPER NUMBER
1796	

MAIL DATE	DELIVERY MODE
07/14/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

wk

Mailed: JUL 14 2010

In re application of	:	
Farris et al.	:	DECISION ON
Serial No. 11/503,121	:	PETITION
Filed: August 14, 2006	:	
For: SELECTIVE HYDROSILYLATION METHOD AND PRODUCT		

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on June 13, 2010 to withdraw the final status of the Office Action dated May 14, 2010.

Applicants assert that the February 2, 2010 Office Action indicated that claim 41 was not a rejected claim and while including claim 41 in the summary of rejections as sections 11 and 12 of the Office Action, the Examiner addressed only (ii) the incorporating step of the claim. The Examiner in the May 14, 2010 Final Rejection states that the basis for rejecting claim 41 was noted in the previous office action.

A review of the record indicates that in the Office Action dated February 2, 2010, the Examiner rejected claim 41 under 35 USC 112 (2) and under two different 35 USC 103(a) rejections. The Office Action Summary Sheet (PTOL-326) did not list claim 41 as being rejected.

MPEP 706.07(a) states that under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

It is clear from the body of the Office Action of February 2, 2010 that claim 41 was rejected. The exclusion of claim 41 from the Office Action Summary Sheet should not be construed that the claim was not rejected in view of the rejections indicated in the Office Action.

Applicants assert that Claim 41 was indicated as allowable. A review of the record does not show that claim 41 was indicated as allowable either in the Office Action or Office Action Summary Sheet. A review of the record shows that Applicants' assertion as to the completeness of the Office Action and lack of examination of claim 41 cannot be supported. The Office Action of February 2, 2010 does address claim 41 in the rejections under 35 USC 112(2) and 35 USC 103(a). The finality of May 14, 2010 was proper.

DECISION

The petition for withdrawal of finality is **DISMISSED.**

/W. GARY JONES/
W. Gary Jones, Director
Technology Center 1700
Chemical and Materials Engineering

Philip D. Freedman PC
1449 Drake Lane
Lancaster PA 17601

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Studebaker & Brackett PC
One Fountain Square
11911 Freedom Drive, Suite 750
Reston, VA 20190

Mail Date: 04/21/2010

Applicant	: Motoharu Hirata	: DECISION ON REQUEST FOR
Patent Number	: 7661701	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/503,137	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **456** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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STEVEN W. WEINRIEB
LAW OFFICES OF STEVEN W. WEINRIEB
8717 COLD SPRING ROAD
POTOMAC MD 20854

MAILED

MAY 20 2009

OFFICE OF PETITIONS

In re Application of	:	
Scott James Hudanish	:	
Application No. 11/503,139	:	ON PETITION
Filed: August 14, 2006	:	
Attorney Docket No. 71-927-1	:	

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 **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the nonfinal rejection mailed February 27, 2008.

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

The papers submitted on April 8, 2009 are not signed.

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

Karen Creasy
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

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8717 COLD SPRING ROAD
POTOMAC MD 20854

In re Application of	:	
Scott James Hudanish	:	
Application No. 11/503,139	:	ON PETITION
Filed: August 14, 2006	:	
Attorney Docket No. 71-927-1	:	

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

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the nonfinal rejection mailed February 27, 2008.

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

Petitioner submitted the required statement in the petition received on April 8, 2009. However, the decision mailed May 20, 2009, stated that the **papers** submitted on May 20, 2009 were not signed. Therefore, a signed 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) is required.

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

Karen Creasy
Petitions Examiner
Office of Petitions

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LAW OFFICES OF STEVEN W. WEINRIEB
8717 COLD SPRING ROAD
POTOMAC MD 20854

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OFFICE OF PETITIONS

In re Application of :
Scott James Hudanish :
Application No. 11/503,139 : DECISION ON PETITION
Filed: August 14, 2006 :
Attorney Docket No. 71-927-1 :

This is a decision on the renewed 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 petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment and replacement drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal rejection mailed February 27, 2008, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 3742 for appropriate action by the Examiner in the normal course of business on the reply received July 17, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

Morrison & Foerster LLP
1650 Tysons Boulevard
Suite 40
Mclean, VA 22102

In re Application of	:	
Peter Voigt et al.	:	
Application No. 11/503,162	:	DECISION ON PETITION
Filed: August 14, 2006	:	TO WITHDRAW
Attorney Docket No. 602422000510	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 9, 2007.

The request is **APPROVED**.

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

The request was signed by Deborah S. Gladstein on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is no outstanding Office action at this time.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Peter Voigt**
Ulmenstrasse 21
Hallbergmoos, 85399
Germany

cc: **Gero G. McClellan**
Patterson & Sheridan, LLP
3040 Post Oak Boulevard, Suite 1500
Houston, TX 77056

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/503,162	08/14/2006	Peter Voigt	602422000510

CONFIRMATION NO. 1584

OC000000025884193

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

Date Mailed: 09/18/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/09/2007.

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

Terri Williams

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

FORMER ATTORNEY/AGENT COPY

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OFFICE OF PETITIONS

In re Application of :
Mats Larsson et al :
Application No. 11/503,164 :
Filed: August 14, 2006 :
Attorney Docket No. :
1004501-000856

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed, February 8, 2007, to change the order of the named inventors. e

The petition is **GRANTED**.

Office records have been updated to reflect the desired order of inventorship. A corrected Filing Receipt reflecting this change was mailed on February 16, 2007.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3218. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2857 for appropriate action as the nature of the case requires.

Frances Hicks
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 09/25/08

TO SPE OF : ART UNIT 2817

SUBJECT : Request for Certificate of Correction for Appl. No.: 11503169 Patent No.: 7391240 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Lamonte M. Newsome
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

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

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

Formatted: Indent: Left: 1.22"

Comments: _____

SPE [signature] **Art Unit** 2817

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WYETH/FINNEGAN HENDERSON, LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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OFFICE OF PETITIONS

In re Application of
SANCHEZ, et al.
Application No. 11/503,214
Filed: August 14, 2006
Attorney Docket No. **01142-0241-02000**

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 24, 2007.

The request is **APPROVED.**

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

The request was signed by Deborah Katz. Deborah Katz has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

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

Monica A. Graves
Petitions Examiner
Office of Petitions

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SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO BOX 142950
GAINESVILLE FL 32614-2950

In re Application of	:	
GETFIELD	:	
Application No. 11/503,223	:	DECISION ON PETITION
Filed: August 11, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. GTF-100	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 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 birth certificate and naturalization certificate of inventor Kenneth Getfield, 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 3636 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/22/2010

Applicant	: Takayuki Murakami	: DECISION ON REQUEST FOR
Patent Number	: 7607145	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/503,233	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **625** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/21/2010

Applicant	: Shih-Huang Yeh	: DECISION ON REQUEST FOR
Patent Number	: 7586456	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/503,235	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **64** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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OFFICE OF PETITIONS

In re Application of

Binh Quach
Application No. 11/503,236
Filed: August 11, 2006
Attorney Docket No. PA3876US

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 7, 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 Tam Thanh Pham on behalf of all attorneys/agents associated with customer number 22830. All attorneys/agents associated with customer number 22830 have been withdrawn.

Applicant is advised that there is no attorney of record.

The correspondence address has been changed and is copied below.

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
Petitions Examiner
Office of Petitions

cc: Binh Quach
1617 Mission Springs Circle
San Jose, CA 95131

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/503,236	08/11/2006	Binh Quach	PA3876US

CONFIRMATION NO. 1348

POWER OF ATTORNEY NOTICE

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

OC000000029220601

Date Mailed: 04/02/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/07/2008.

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

/kainabinet/

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

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

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In re Application of	:	
Tsukasa Nakai, et al.	:	
Application No. 11/503,248	:	DECISION GRANTING PETITION
Filed: August 14, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 008312-0356616	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 6, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on October 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 Terri Williams (571) 272-2991.

This application is being referred to Technology Center AU 1794 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
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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THEODORE J BIELEN JR
BIELEN LAMPE, & THOEMING
1390 WILLOW PASS ROAD
SUITE 1020
CONCORD CA 94520

MAILED

JUN 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Theodore R. Bristow, Jr.	:	
Application No. 11/503,252	:	ON PETITION
Filed: August 11, 2006	:	
Attorney Docket No. 14945	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed April 19, 2010.

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)." This is **not** a final agency decision within the meaning of 5 USC 704. No additional petition fee is due on renewed petition.

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action, mailed January 2, 2008. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on April 3, 2008. The Office mailed a Notice of Abandonment on July 16, 2008.

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

The instant petition lacks requirement (3) above. As the instant application has been abandoned for an extended period of time, on renewed petition, petitioner must account for the delay in filing the petition to revive.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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GIFFORD KRASS SPRINKLE ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

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JUN 0 5 2009

OFFICE OF PETITIONS

In re Application of :
Arthur VAYSMAN, et al. :
Application No. 11/503,262 :
Filed: August 11, 2006 :
Attorney Docket No. **MTV-10102/29 (PATENT)** :

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 18, 2009 and re-submitted 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 John G. Posa on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the first named signing inventor at the 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: **ARTHUR VAYSMAN**
2195 HEATHER BROOK COURT
SAN JOSE, CA 95138

Attachment: Power/Revocation/New Power Of Attorney with Address Change (PTO/SB/81)

UNITED STATES PATENT AND TRADEMARK OFFICE

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MANELLI DENISON & SELTER
2000 M STREET NW SUITE 700
WASHINGTON DC 20036-3307

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DEC 0 8 2008

In re Application of

CARMICHAEL, Martin
Application No. 11/503,274
Filed: August 14, 2006
Attorney Docket No. **84902 WWT**

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 12, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 W. Warren Taltavull on behalf of all attorneys of record who are associated with customer No. 20736. All attorneys/agents associated with the Customer Number 20736 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Martin Carmichael at the address indicated below.

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **MARTIN CARMICHAEL**
1121 ARLINGTON BLVD., SUITE L3
ARLINGTON VA 22209

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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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 04/20/2010

Applicant	: Mitsuru Nakata	: DECISION ON REQUEST FOR
Patent Number	: 7579222	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/503,286	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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United States Patent and Trademark Office
P.O. Box 1450
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VERIZON
PATENT MANAGEMENT GROUP
1515 N. COURTHOUSE ROAD
SUITE 500
ARLINGTON VA 22201-2909

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APR 14 2008
OFFICE OF PETITIONS

In re Application of:	:	
Woodworth et al.	:	DECISION GRANTING
Application No. 11/503292	:	37 CFR 1.47(a)
Filing or 371(c) Date: 08/14/2006	:	
Title of Invention:	:	
VIDEO MESSAGING SYSTEM	:	

This Decision is in response to the petition under 37 CFR 1.47(a), filed August 14, 2006, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s). See, MPEP 409.03. The delay in treating this petition is regretted.

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, Brian Woodworth, 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 Technology Center Art Unit 2614 for examination in due course.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MR. BRIAN WOODWORTH
653 COWBOYS PARKWAY
#3077
IRVING, TX 75063

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APR 14 2008

OFFICE OF PETITIONS

In re Application of:
Woodworth et al.
Application No. 11/503292
Filing or 371(c) Date: 08/14/2006
Title of Invention:
VIDEO MESSAGING SYSTEM

LETTER

Dear Mr. Woodworth:

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

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

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

Derek L. Woods
Attorney
Office of Petitions

CC: VERIZON
PATENT MANAGEMENT GROUP
1515 N. COURTHOUSE ROAD
SUITE 500
ARLINGTON VA 22201-2909

UNITED STATES PATENT AND TRADEMARK OFFICE

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MILLS & ONELLO LLP
ELEVEN BEACON STREET
SUITE 605
BOSTON, MA 02108

Mail Date: 04/21/2010

Applicant	: Ju-Hyung Kim	: DECISION ON REQUEST FOR
Patent Number	: 7586330	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/503,311	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **86** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

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OFFICE OF PETITIONS

In re Application of	:	
Eren Niazi et al.	:	
Application No. 11/503,313	:	DECISION ON PETITION
Filed: August 11, 2006	:	TO WITHDRAW
Attorney Docket No. 25497-12088	:	FROM RECORD
	:	

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 5, 2007.

The request is **NOT APPROVED**.

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, ***the assignee of record of the present application has shut down, no longer in business***, do not meet any the conditions set forth in 37 CFR 10.40.2005.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary

evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number). The power of attorney filed on does not include one of the above two options.
All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

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

T. Williams
Terri Williams
Petitions Examiner
Office of Petitions

cc: **Suzanne Decker**
1271 Washington Avenue, #318
San Leandro, CA 94577

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

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OFFICE OF PETITIONS

In re Application of	:	
Eren Niazi, et al.	:	
Application No. 11/503,313	:	DECISION ON PETITION
Filed: August 11, 2006	:	TO WITHDRAW
Attorney Docket No. 25497-12088	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 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 John T. McNeils 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: **Eren Niazi**
168 Rawls Court
San Jose, CA 95139

cc: **Suzanne Decker**
1271 Washington Avenue, #318
San Leandro, CA 94577

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Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/503,313	08/11/2006	Eren Niazi	25497-12088

CONFIRMATION NO. 1719

POWER OF ATTORNEY NOTICE

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

OC000000030887353

Date Mailed: 07/10/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/22/2008.

- 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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BRACEWELL & GIULIANI LLP
P.O. BOX 61389
HOUSTON TX 77208-1389

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OFFICE OF PETITIONS

In re Application of

HABERLAND, et al.
Application No. 11/503,314
Filed: August 15, 2006
Attorney Docket No. **032528.0034**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 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 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 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **MYERS & KAPLAN INTELLECTUAL PROPETY LAW, LLC**
1899 POWERS FERRY ROAD, SUITE 310
ATLANTA, GA 30339

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P.O. BOX 61389
HOUSTON TX 77208-1389

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In re Application of	:	
HABERLAND, et al.	:	
Application No. 11/503,314	:	DECISION ON PETITION
Filed: August 15, 2006	:	TO WITHDRAW
Attorney Docket No. **032528.0034**	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 1, 2007.

The request is **APPROVED.**

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

The request was signed by Jeffrey S. Whittle on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **GARY W. HABERLAND**
1360 GRAFTON COURT
OUEIDO, FL 32765

cc: **MEYERS & KAPLAN INTELLECTUAL PROPERTY LAW, LLC**
1899 POWERS FERRY ROAD, SUITE 310
ATLANTA, GA 30339

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LERNER GREENBERG STEMER LLP
PO BOX 2480
HOLLYWOOD, FL 33022-2480

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OFFICE OF PETITIONS

In re Application of	:	
Joseph P. Baratta	:	
Application No. 11/503,329	:	DECISION ON PETITION
Filed: August 11, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. F-8859	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 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 copy of Inventor Joseph P. Baratta's driver license showing that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3752 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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0 8 AUG 2007

25264
FINA TECHNOLOGY INC.
P.O. Box 674412
Houston, TX 77267-4412

In re Application of :
MISERQUE *et al* :
Application No.: 11/503,345 :
Filing Date: August 9, 2006 : **DECISION**
Attorney Docket No.: 31223.00144 F-914 :
For: OLEFIN POLYMERISATION PROCESS :
IN THE PRESENCE OF AN ANTI- :
FOULING AGENT :

This decision is in response to the papers filed via facsimile on July 25, 2007 which are treated as a petition under 37 CFR 1.181. No fee is required

BACKGROUND

On August 9, 2006, applicants filed patent application papers with the USPTO which included a Utility Patent Application Transmittal letter (PTO/SB/05).

On March 19, 2007, a Notice Regarding Benefit/Priority Claim(s) indicating that the prior-filed nonprovisional application has been improperly indicated as a national stage application (35 U.S.C. 371).

On July 25, 2007, applicants filed the subject petition requesting that the subject application be deemed a national stage application of PCT/EP2005/050527.

DISCUSSION

Applicants request that the Office treat the above-captioned application as a national stage filing under 35 U.S.C. 371 of PCT/EP2005/050527.

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all the conditions set forth in 35 U.S.C. 371(c). The official PTO Notice published in the Official Gazette at 1077 OG 13 (April 14, 1987) states, in part, that: "[i]f there are any conflicting instructions as to which section of the statute (371 or 111) is intended the application will be accepted under 35 U.S.C. 111."

A review of the above-captioned application reveals that the above-captioned application was properly treated by the Office as a filing under 35 U.S.C. 111(a). The Utility Patent Application Transmittal letter filed August 9, 2006 states under the title

that the papers were "[o]nly for new nonprovisional applications under 37 CFR 1.53(b)." Application papers submitted under 37 CFR 1.53(b) are filed under 35 U.S.C. 111(a). There are no provisions allowing the Office to disregard these papers containing the conflicting instructions regardless of instructions elsewhere in the application papers.

Accordingly, the papers deposited on August 9, 2006 constituted a filing under 35 U.S.C. 111(a) and were properly processed that way.

DECISION

For the reasons discussed above, applicants' petition under 37 CFR 1.181 is **DISMISSED** without prejudice

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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25264
FINA TECHNOLOGY INC.
P.O. Box 674412
Houston, TX 77267-4412

In re Application of :
MISERQUE *et al* :
Application No.: 11/503,345 :
Filing Date: August 9, 2006 : **DECISION**
Attorney Docket No.: 31223.00144 F-914 :
For: OLEFIN POLYMERISATION PROCESS :
IN THE PRESENCE OF AN ANTI- :
FOULING AGENT :

This decision is in response to the renewed petition filed on August 21, 2007 which is treated as a petition under 37 CFR 1.181. No fee is required

BACKGROUND

On August 8, 2006, a decision dismissing applicants' petition to process the above-identified application as a national stage filing was mailed. The petition was dismissed due to the conflicting instructions received upon the initial filing.

On August 21, 2007, applicants filed a request for reconsideration.

DISCUSSION

In the renewed petition, applicants argue that the notation in the transmittal letter under Box 17 (Other: National Phase of International Application No. PCT/EP2005/050527) is sufficient to satisfy the guidance of 1077 OG 13 (April 14, 1987). Moreover, the declaration also identifies the application as a national phase of PCT/EP2005/050527. Applicants also claim that the instruction at the top of the transmittal letter is "simply a guide to the user" and should be ignored by the Office. This "parenthetical material" is not an instruction to the filing status of the application.

Applicants' arguments have been considered and dismissed.

1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states, in part, the following:

> If there are **any** conflicting instructions as to which sections of the statute (371 or 111) is intended the application will be accepted under 35 U.S.C. 111. (Emphasis added)

In addition, section 1893.03(a) of the MPEP states, in part:

> **Merely claiming priority of an international (PCT) application in an oath or declaration will not serve to indicate a submission under 35 U.S.C. 371**. Also, if there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a). A conflicting instruction will be present, for example, where applicant includes in the initial submission under 35 U.S.C. 371, a **"Utility Patent Application Transmittal" (Form PTO/SB/05)** or includes a benefit claim under 35 U.S.C. 120 to the international application. (Emphasis added)

Here, the reference to 37 CFR 1.53(b) at the top of the transmittal letter (Form PTO/SB/05) filed on August 9, 2007 is clearly a conflicting instruction to process the application pursuant to 35 U.S.C. 111(a) and will not be ignored. Claiming priority of the international application in the declaration is not sufficient to overcome this error.

DECISION

For the reasons discussed above, applicants' renewed petition under 37 CFR 1.181 is **DISMISSED** without prejudice

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision.

Further correspondence should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

0 5 NOV 2007

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25264
FINA TECHNOLOGY INC.
P.O. Box 674412
Houston, TX 77267-4412

In re Application of :
MISERQUE *et al* :
Application No.: 11/503,345 :
Filing Date: August 9, 2006 : **DECISION**
Attorney Docket No.: 31223.00144 F-914 :
For: OLEFIN POLYMERISATION PROCESS :
IN THE PRESENCE OF AN ANTI- :
FOULING AGENT :

This decision is in response to the "Second Request for Reconsideration of Decision" filed on October 12, 2007.

BACKGROUND

On September 4, 2007, a decision dismissing applicants' renewed petition to process the above-identified application as a national stage filing was mailed. Applicants were given two months to respond.

On October 12, 2007, applicants filed a second request for reconsideration.

DISCUSSION

In the second renewed petition, applicants make several claims which will be addressed in turn:

(1) Applicants argue that the notation in the transmittal letter that it is "[o]nly for new nonprovisional applications under 37 CFR 1.53(b)" does not offer a conflicting instruction because a nonprovisional application can mean an application filed under 35 U.S.C. 111(a) or 35 U.S.C. 371.

Applicants are correct. However, the reference to 37 CFR 1.53(b) is the conflicting instruction.

(2) Applicants claim that section 1893.03(a) of the MPEP "when considered in its entirety clearly supports the view" that the application should be treated under 35 U.S.C. 371. Applicants refer to the following paragraph in that section:

> If neither of these indications are present the application may, in the absence of evidence to the contrary (there is an indication in the originally

> filed application papers that processing as a national stage is desired), be treated as a filing under 35 U.S.C. 111(a). Thus, if both indications are present, the application should be treated as a submission under 35 U.S.C. 37. (Applicants' emphasis)

This claim is rejected.

As indicated in the prior decision, the following paragraph in section 1893.03(a) of the MPEP refers to the situation at hand, and states, in part:

> **A conflicting instruction will be present, for example**, where applicant includes in the initial submission under 35 U.S.C. 371, a "Utility Patent Application Transmittal" (Form PTO/SB/05) or includes a benefit claim under 35 U.S.C. 120 to the international application. (Emphasis added).

Here, applicants submitted a Form PTO/SB/05 on August 9, 2007. As indicated above, this fact alone constitutes a conflicting instruction and negates any chance that the initial deposit on August 9, 2006 was "clearly identified as a submission to enter the national stage under 35 U.S.C. 371."

(3) Applicants also argue that the declaration filed November 3, 2006 should be "considered in the evaluation called for in 37 CFR 1.495(g)[1]." This is not the case. The evaluation of whether an application is a filing under 35 U.S.C. 111(a), or a national stage filing under 35 U.S.C. 371 is made at the initial filing. *See* § 1893.03(a) MPEP.

(4) Applicants refer to the proposed changes in USPTO practice where an application containing conflicting instruction will be considered as a filing under 35 U.S.C. 371. This proposed change does not affect the decision here. This change was not in effect at the time. (It is noted that the proposed changes in the patent rules are currently halted due to a temporary injunction).

DECISION

For the reasons discussed above, applicants' second renewed petition is **DISMISSED** without prejudice

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision.

Further correspondence should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention

---

[1] 37 CFR 1.495(g). The documents and fees submitted under paragraphs (b) and (c) of this section must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371. Otherwise, the submission will be considered as being made under 35 U.S.C. 111(a).

of the Office of PCT Legal Administration.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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2040 MAIN STREET
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IRVINE CA 92614

MAILED

MAY 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Bernd Schindler, et al.	:	
Application No. 11/503,353	:	DECISION ON PETITION
Filed: August 10, 2006	:	
Attorney Docket No. PALL.087C1C1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 19, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 23, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 24, 2009. The Notice of Abandonment was mailed January 22, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,110 extension of time fee submitted with the petition on March 19, 2010 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

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

This application is being referred to Technology Center AU 1796 for appropriate action by the Examiner in the normal course of business on the reply received.

Terri Johnson
Petitions Examiner
Office of Petitions

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RONALD M. GOLDMAN
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TORRANCE CA 90503

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APR 0 2 2008

OFFICE OF PETITIONS

In re Application of	:	
MAROM, Guy	:	
Application No. 11/503,366	:	DECISION ON PETITION
Filed: August 10, 2006	:	TO WITHDRAW
Attorney Docket No. **11384**	:	FROM RECORD
	:	

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 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. 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 Ronald Goldman, the sole attorney of record. Ronald Goldman has been withdrawn as attorney or agent 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 signing inventor at the first copied address below until otherwise properly notified by the applicant.

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

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **MAROM GUY**
20550 S. DENKER AVE.
TORRANCE, CA 90501

cc: **MR. MOSHE BEGIM**
PRESIDENT, AVC CORPORATION
20550 S. DENKER AVE.
TORRANCE, CA 90501

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JUL 07 2010

OFFICE OF PETITIONS

In re Patent No. 7,621,580	: DECISION ON REQUEST FOR
RANDJELOVIC et al.	: RECONSIDERATION OF
Issue Date: November 24, 2009	: PATENT TERM ADJUSTMENT
Application No. 11/503,386	: AND
Filed: August 10, 2006	: NOTICE OF INTENT TO ISSUE
Attorney Docket No. 061300-0970	: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on January 22, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by four hundred twenty-eight (428) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by **four hundred twenty-eight (428) days** is **GRANTED**.

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

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **four hundred twenty-eight (428) days**.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,621,580 B2

DATED : Nov. 24, 2009 **DRAFT**

INVENTOR(S) : RANDJELOVIC 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 322 days.

Delete the phrase "by 322 days" and insert – by 428 days--

PALM INTRANET

Day : Friday
Date: 7/2/2010
Time: 12:43:25

PTA Calculations for Application: 11/503386			
Application Filing Date:	08/10/2006	PTO Delay (PTO):	322
Issue Date of Patent:	11/24/2009	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	428
PTO Delay Adjustment:	106		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
62	07/02/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	106		
58.5	11/04/2009	PTA 36 MONTHS			
58	11/24/2009	PATENT ISSUE DATE USED IN PTA CALCULATION			
57	10/19/2009	EXPORT TO FINAL DATA CAPTURE			
56	10/16/2009	DISPATCH TO FDC			
55	10/16/2009	APPLICATION IS CONSIDERED READY FOR ISSUE			
54	10/12/2009	ISSUE FEE PAYMENT VERIFIED			
53	10/12/2009	ISSUE FEE PAYMENT RECEIVED			
52	08/14/2009	FINISHED INITIAL DATA CAPTURE			
51	07/20/2009	EXPORT TO INITIAL DATA CAPTURE			
50	07/23/2009	RECEIPT INTO PUBS			
48	07/16/2009	MAIL NOTICE OF ALLOWANCE			
47	07/15/2009	ISSUE REVISION COMPLETED			
46	07/15/2009	DOCUMENT VERIFICATION			
45	07/15/2009	EXAMINER'S AMENDMENT COMMUNICATION			
44	07/15/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
41	07/08/2009	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
40	06/29/2009	NOTICE OF ALLOWABILITY			
39	06/26/2009	DATE FORWARDED TO EXAMINER			
38	06/22/2009	AMENDMENT AFTER FINAL REJECTION			
37	04/22/2009	MAIL FINAL REJECTION (PTOL - 326)			
36	04/21/2009	FINAL REJECTION			
35	03/22/2009	DATE FORWARDED TO EXAMINER			
34	02/20/2009	RESPONSE AFTER NON-FINAL ACTION			

33	08/13/2008	REFERENCE CAPTURE ON IDS			
32	08/13/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
30	08/13/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
29	08/13/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
28	05/29/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
27	05/29/2008	REFERENCE CAPTURE ON IDS			
26	11/28/2008	MAIL NON-FINAL REJECTION			
25	11/22/2008	NON-FINAL REJECTION			
24	05/29/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
23	10/09/2008	DATE FORWARDED TO EXAMINER			
22	09/29/2008	RESPONSE TO ELECTION / RESTRICTION FILED			
21	08/27/2008	MAIL RESTRICTION REQUIREMENT	322		-1
20	08/26/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
19	05/29/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	02/14/2008	PG-PUB ISSUE NOTIFICATION			
17	10/17/2007	WITHDRAW FLAGGED FOR 5/25			
16	10/17/2007	WITHDRAW FLAGGED FOR 5/25			
15	10/15/2007	FLAGGED FOR 5/25			
14	10/15/2007	FLAGGED FOR 5/25			
13	07/19/2007	CASE DOCKETED TO EXAMINER IN GAU			
12	01/11/2007	NEW OR ADDITIONAL DRAWING FILED			
11	12/08/2006	CASE DOCKETED TO EXAMINER IN GAU			
10	11/24/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
9	10/30/2006	APPLICATION DISPATCHED FROM OIPE			
8	10/30/2006	APPLICATION IS NOW COMPLETE			
7	10/24/2006	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
6	10/24/2006	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	08/29/2006	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
4	08/22/2006	CLEARED BY L&R (LARS)			

3	08/18/2006	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
2	08/17/2006	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	08/10/2006	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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FIFTY-THIRD FLOOR
HOUSTON TX 77002

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OFFICE OF PETITIONS

In re Application of	:	
Schlessinger et al.	:	DECISION ON PETITION
Application No. 11/503,393	:	TO WITHDRAW
Filed: August 11, 2006	:	FROM RECORD
Attorney Docket No. 8223.004.NPUS00	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed October 19, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Tracy W. Druce on behalf of all attorneys of record who are associated with Customer No.65761.

All attorneys/agents associated with Customer Number 65761 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

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

Currently, there is an outstanding Office action mailed September 30, 2009 that requires a reply.

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

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Archimedes, Inc.
201 Mission Street – 29th Floor
San Francisco CA 94105

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United States Patent and Trademark Office
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QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P O BOX 458
ALAMEDA, CA 94501

Mail Date: 04/21/2010

Applicant	: David Buzby	: DECISION ON REQUEST FOR
Patent Number	: 7665782	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/503,397	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/12/2006	: 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.

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

Mail Date: 04/21/2010

Applicant	: Andrew P. Ritter	: DECISION ON REQUEST FOR
Patent Number	: 7576968	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/503,402	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **458** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

In re Application of :
FEX, Stephane :
Application No. 11/503,404 :
Filed: August 14, 2006 :
Attorney Docket No. **16549-1US-1** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 15, 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 T. James Reid on behalf of all attorneys of record who are associated with customer No. 20988. All attorneys/agents associated with the Customer Number 20988 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first inventor Stephane Fex at the address indicated below.

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **STEPHANE FEX**
657 CHEMIN RIVIERE ROUGE
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CANADA

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JAN 16 2009

In re Application of:
Moore et al.
Serial No.: 11/503,407
Filed: August 11, 2006
Attorney Docket No.: **4056.4120 US**

DECISION ON PETITION TO RESET REPLY PERIOD DUE TO NON-RECEIPT OF OFFICE ACTION

This is in response to applicants' petition under 37 CFR. § 1.181(a), filed on December 10, 2008, to reset a mailing date for an Office action that was never received.

A review of the file history shows that the examiner mailed a final Office action July 9, 2008, setting three-month shortened statutory time period for reply.

Applicants state that the action was never received and only discovered that an Office action was mailed during a status check of PAIR. Based on the evidence presented, it is concluded that the Office action of July 9, 2008 should be remailed with a reset reply period.

Applicants' 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 at 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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ELMORE PATENT LAW GROUP, PC
515 GROTON ROAD
UNIT 1R
WESTFORD MA 01886

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of
Joel D. Moore et al.
Application No. 11/503,407
Filed: August 11, 2006
Attorney Docket No. 4056.1120 US

: DECISION ON APPLICATION
:FOR PATENT TERM ADJUSTMENT

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT" filed May 7, 2009. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from two hundred seventy-two (272) days to two hundred ten (210) days.

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

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is two hundred ten **(272)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On April 7, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is two hundred ten days. On May 7, 2009, applicants timely[1] submitted an application for patent term adjustment (with required fee), asserting that the correct number of days of PTA at the time of the mailing of the Notice of Allowance is two hundred seventy-two (272) days. Applicants dispute the reduction of sixty-two (62) days attributed to applicant for failing to respond within three months to the non-Final Office Action mailed July 9, 2008.

The Office initially determined a patent term adjustment of two hundred seventy-two (272) days based on an adjustment for PTO delay of two hundred ten (210) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1) reduced by applicants' delay of sixty-two days pursuant to 35 U.S.C. 154(b)(2)(C)(ii) and 37 C.F.R. § 1.704(b). The adjustment of 210 days has been reviewed and found to be correct. The reduction of sixty-two (62) days of applicant delay is at issue.

Applicants dispute the entry of a period of reduction of 62 days for applicants taking in excess of three months to respond to the non-Final Office Action mailed July 9, 2008. Applicants argue that while a response was filed December 10, 2008, a decision on petition to reset the reply period due to non-receipt of the July 9, 2008 was granted January 16, 2009.

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[1] PALM records indicate that the Issue Fee was received in the Office on May 15, 2006.

Applicants specifically state that the patent issuing from the application is not subject to a terminal disclaimer.

A review of the application history reveals that no response to the non-Final Office Action mailed July 9, 2008 was timely filed and that a Petition to Restart the Period for Reply pursuant to 37 CFR 1.181(a) was filed December 10, 2008. Moreover, by decision mailed January 16, 2009, based on the evidence presented, it was decided that the Office action of July 9, 2008 should be remailed with a reset reply period.

In view thereof, it is concluded that applicants did not fail to engage in reasonable efforts to conclude processing or examination of the application by delaying in replying to the non-Final Office Action by 62 days.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the notice of allowance is two hundred ten days

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The Office of Data Management has been advised of this decision. The application is, thereby, forwarded to the Office of Data Management to await payment of the issue fee. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Kery A. Fries

Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Examination Policy

Enclosure: Copy of Revised PALM Screen

Day : Monday
Date: 6/22/2009

PALM INTRANET

Time: 06:31:08

PTA Calculations for Application: 11/503407			
Application Filing Date:	08/11/2006	PTO Delay (PTO):	272
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	62
Post-Issue Petitions:	0	Total PTA (days):	272
PTO Delay Adjustment:	62		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
70	06/19/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	62		
63	04/07/2009	MAIL NOTICE OF ALLOWANCE			
62	04/04/2009	ISSUE REVISION COMPLETED			
61	04/04/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
60	04/04/2009	CASE DOCKETED TO EXAMINER IN GAU			
59	04/04/2009	DOCUMENT VERIFICATION			
58	03/30/2009	NOTICE OF ALLOWABILITY			
55	03/11/2009	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
54	02/23/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
53	01/30/2009	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
52	01/26/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
50	01/26/2009	DATE FORWARDED TO EXAMINER			
49	12/10/2008	RESPONSE AFTER NON-FINAL ACTION		62	36
45	01/16/2009	MAIL-PETITION DECISION - GRANTED			
44	01/16/2009	PETITION DECISION - GRANTED			
43	12/10/2008	PETITION ENTERED			
42	01/16/2009	MAIL NOTICE OF RESTARTED RESPONSE PERIOD			
41	01/15/2009	LETTER RESTARTING PERIOD FOR RESPONSE (I.E. LETTER RE: REFERENCES)			
38	12/10/2008	MISCELLANEOUS INCOMING LETTER			
37	12/24/2008	ERROR(S) IN CRF CORRECTED BY STIC			
36	07/09/2008	MAIL NON-FINAL REJECTION	272		-1

35	07/07/2008	NON-FINAL REJECTION			
31	08/14/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
30	06/23/2008	APPLICATION RETURN FROM OIPE			
29	06/23/2008	FILING RECEIPT - UPDATED			
28	06/23/2008	APPLICATION IS NOW COMPLETE			
27	05/27/2008	ADDITIONAL APPLICATION FILING FEES			
26	05/27/2008	A SET OF SYMBOLS AND PROCEDURES, PROVIDED TO THE PTO ON A SET OF COMPUTER LISTINGS, THAT DESCRIBE IN			
25	06/17/2008	ERROR(S) IN CRF CORRECTED BY STIC			
24	04/21/2008	SEQUENCE ERRORS			
23	04/21/2008	FILING RECEIPT - UPDATED			
22	04/14/2008	ADDITIONAL APPLICATION FILING FEES			
21	10/12/2006	PRE-EXAM OFFICE ACTION WITHDRAWN			
20	04/14/2008	APPLICATION RETURN TO OIPE			
19	02/14/2008	PG-PUB ISSUE NOTIFICATION			
18	08/14/2007	REFERENCE CAPTURE ON IDS			
17	08/14/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
16	08/14/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	02/02/2007	CASE DOCKETED TO EXAMINER IN GAU			
14	11/27/2006	PRELIMINARY AMENDMENT			
13	10/26/2006	CASE DOCKETED TO EXAMINER IN GAU			
12	10/18/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
11	10/12/2006	APPLICATION RETURN FROM OIPE			
10	10/12/2006	APPLICATION RETURN TO OIPE			
9	10/12/2006	APPLICATION DISPATCHED FROM OIPE			
8	10/12/2006	APPLICATION IS NOW COMPLETE			
7	09/27/2006	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
6	09/27/2006	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	08/29/2006	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
4	08/18/2006	CLEARED BY OIPE CSR			
3	08/18/2006	CASE CLASSIFIED BY OIPE			

2	08/17/2006	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	08/11/2006	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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FINNEGAN, HENDERSON, FARABOW
GARRETT & DUNNER, LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

MAILED

AUG 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Yunsheng Wang, et al.	:	
Application No. 11/503,431	:	DECISION ON PETITION
Filed: August 10, 2006	:	TO WITHDRAW FROM
Attorney Docket No. 9145.0019-01	:	RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 9, 2009.

The request is **NOT APPROVED**.

The request cannot be approved because practitioner/practitioners associated with Customer Number 22852 requesting the withdrawal have not certified that 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 papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond. The failure to do so may subject the practitioner to discipline[1]. *See USPTO Form No. PTO/SB/83.*

It is noted that the assignee of record has requested that the application be transferred to another law firm. However, the present request cannot be approved since the assignee has failed to properly intervene in the above-identified application by filing the required Statement under 37 CFR 3.73(b)[2]. *See USPTO Form No. PTO/SB/96.*

Additionally, 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).

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[1] Practitioner should note that false certification may violate a practitioners' duty under 37 CFR 10.23(b)(4) and (b)(5).

[2] In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-3226. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: HAYNES AND BOONE, LLP
IP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS, TX 75219

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HAYNES AND BOONE, LLP
IP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS, TX 75219

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NOV 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Yunsheng Wang, et al.	:	
Application No. 11/503,431	:	DECISION ON PETITION
Filed: August 10, 2006	:	TO WITHDRAW FROM
Attorney Docket No. 9145.0019-01	:	RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40, filed October 6, 2009.

The request is **NOT APPROVED AS MOOT**.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 22852 has been revoked by the assignee of the patent application on November 12, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

It is noted that the assignee's statement under 37 CFR 3.73(b) did not include the language that "[t]he undersigned (whose title is supplied below) is authorized to act on behalf of the assignee". However, the Office has acknowledged and will construe the title "VP, General Counsel" associated with the person who signed the power of attorney as having apparent authority to sign on behalf of the assignee. *See MPEP § 324(V)(A)*.

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

This application is being referred to Technology Center Art Unit 2185 to await a response to the final Office action mailed September 16, 2009.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-3226. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: FINNEGAN, HENDERSON, FARABOW
GARRETT & DUNNER, LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

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Michael Coblenz
752 Rose Hurst Way
Lexington KY 40515

In re Application of	:	
WITTE	:	
Application No. 11/503,432	:	DECISION ON PETITION
Filed: August 14, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 06 W 001	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 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 an affidavit from inventor John Witte, attesting to his date of birth. 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 3763 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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35 WATERVIEW DRIVE
P.O. BOX 3000
MSC 26-22
SHELTON CT 06484-8000

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NOV 21 2006
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In re Application of	:	
Thomas J. Foth et al	:	
Application No. 11/503,446	:	DECISION GRANTING FILING
Filed: August 11, 2006	:	DATE OF AUGUST 11, 2006
Attorney Docket No. G-169	:	

This is a decision on the petition filed November 3, 2006 under 37 CFR 1.10 (d), requesting that the above-identified application be accorded a filing date of August 11, 2006, rather than the presently accorded filing date of August 12, 2006.

Petitioner alleges that the date indicated in the Date-In field of the Express Mail label is incorrect. In support, petitioner has submitted a copy of the Express Mail Label No. ED165419457US in which the USPS Track & Confirm shows the acceptance date of August 11, 2006 in Shelton, CT. The same Express Mail receipt number appears on the original Application Transmittal filed with the instant application.

In view of the above, it is concluded that the application was deposited as "Express Mail" with the US Postal Service on August 11, 2006.

The petition is **granted**.

The petition fee of $400 is being credited to deposit account no. 16-1885 as authorized.

This matter is being referred to the Office of Initial Patent Examination for processing with a filing date of August 11, 2006, and for the mailing of a corrected Filing Receipt.

Telephone inquiries specific to this matter should be directed to Karen Creasy at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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VERTEX PHARMACEUTICALS INC.
130 WAVERLY STREET
CAMBRIDGE, MA 02139-4242

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JAN 18 2008

OFFICE OF PETITIONS

In re Application of :
Sarah Hadida-Ruah et al :
Application No. 11/503,449 : ON PETITION
Filed: August 11, 2006 :
Attorney Docket No. VPI/05-146 US :

This is a decision on the petition under 37 CFR 1.137(b), filed September 21, 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 Missing Requirements (Notice) mailed August 30, 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 31, 2006.

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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James C. Helfrich
200 Choteau St
Sun River MT 59483

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DEC 17 2008

In re Application of	:	
Helfrich et al.	:	
Application No. 11/503,453	:	DECISION ON PETITION
Filed: August 11, 2006	:	
Attorney Docket No. 20060726	:	

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed October 10, 2008, to revive the above-identified application.

The petition is **DISMISSED.**

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

This above-identified application became abandoned for failure to timely file a response to a non-final Office Action, which was mailed on August 22, 2007. The non-final Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on November 23, 2007. A Notice of Abandonment was mailed on March 6, 2008.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item(s) (1) and (3).

Petitioners argue that the examiner was non responsive to letters and attempts to contact examiner's supervisor were unsuccessful. Further, petitioners request the assignment of a new examiner.

The Office may revive an abandoned application if the delay in responding to the relevant outstanding office requirement is shown to the satisfaction of the Commissioner to have been "unavoidable." See, 37 CFR § 1.137(a)(3). Decisions on reviving abandoned applications have

adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887) (the term "unavoidable" is applicable to ordinary human affairs, and requires no more greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case by case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). A petition to revive an application as unavoidably abandoned cannot be granted where petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2D 1130 (N.D. Ind. 1987).

As to item (1), petitioners have failed to submit a reply to the non-final Office action of August 22, 2007.

As to item (3), petitioner has failed to provide an explanation that rises to the level of unavoidable as to why a reply to the amendment was not presented. To the extent petitioner required additional information from the examiner, just letting the time period expire until hearing from the examiner is not unavoidable. The Office action along with a Notice of References Cited clearly provided applicant with reasons and the references used to explain why the application was not held in condition for allowance.

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

Lastly, any request for a new examiner should be directed to the Director of the art unit.

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $810 petition fee.

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

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

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

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

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

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

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

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

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MAR 1 8 2009

OFFICE OF PETITIONS

James C. Helfrich
200 Choteau St
Sun River MT 59483

In re Application of :
Helfrich et al :
Application No. 11/503,453 : DECISION ON PETITION
Filed: August 11, 2006 :
Attorney Docket No. 20060726 :

This is a decision on the renewed petition filed February 9, 2009 in the above-identified application.

The petition is **DISMISSED.**

This above-identified application became abandoned for failure to timely file a response to a non-final Office Action, which was mailed on August 22, 2007. The non-final Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on November 23, 2007. A Notice of Abandonment was mailed on March 6, 2008. A petition filed under 37 CFR 1.137(a) was dismissed on December 17, 2009.

The petition in the above-identified application was not properly signed.

Pursuant to 37 CFR 1.33 (b) a petition must be executed by:

(1) A patent practitioner of record appointed in compliance with § 1.32(b);
(2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34;
(3) An assignee as provided for under § 3.71(b) of this chapter; or
(4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

No consideration on the merits can be given that petition until both inventors properly sign the petition.

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

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
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) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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James C. Helfrich
200 Choteau St
Sun River MT 59483

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JUN 08 2009

OFFICE OF PETITIONS

In re Application of
Helfrich et al.
Application No. 11/503,453
Filed: August 11, 2006
Attorney Docket No. 20060726

DECISION ON PETITION

This is a decision on the renewed petition under the unavoidable provisions of 37 CFR 1.137(a), filed April 16, 2009, to revive the above-identified application.

The petition is **DISMISSED.**

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C.§ 704. **Petitioner is entitled to a renewed petition with regards to this decision if desired. Thereafter, there will be no further consideration to a renewed petition under 37 CFR § 1.137 (a) which espouses the same arguments presented in the present petition and the petitions filed on February 9, 2009 and October 10, 2008.**

This above-identified application became abandoned for failure to timely file a response to a non-final Office Action, which was mailed on August 22, 2007. The non-final Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on November 23, 2007. A Notice of Abandonment was mailed on March 6, 2008.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item(s) (1) and (3).

On renewed petition, petitioners continue to argue that the examiner was non responsive to letters and attempts to contact examiner's supervisor were unsuccessful. Further, petitioners request the assignment of a new examiner.

The Office may revive an abandoned application if the delay in responding to the relevant outstanding office requirement is shown to the satisfaction of the Commissioner to have been "unavoidable." See, 37 CFR § 1.137(a)(3). Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887) (the term "unavoidable" is applicable to ordinary human affairs, and requires no more greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case by case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). A petition to revive an application as unavoidably abandoned cannot be granted where petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2D 1130 (N.D. Ind. 1987).

As to item (1), petitioners have failed to submit a reply to the non-final Office action of August 22, 2007.

As to item (3), petitioner has failed to provide an explanation that rises to the level of unavoidable as to why a reply to the amendment was not presented. To the extent petitioner required additional information from the examiner, just letting the time period expire until hearing from the examiner is not unavoidable. The Office action along with a Notice of References Cited clearly provided applicant with reasons and the references used to explain why the application was not held in condition for allowance. Petitioner could have avoided abandonment by filing a reply to the August 22, 2007 Office action. The letter submitted on October 2, 2007 did not address the Office action.

Pursuant to 37 CFR 1.111, 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 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". See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).

Lastly, any request for a new examiner should be directed to the Director of the art unit.

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $810 petition fee.

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

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

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

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

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

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

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

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NADEJDA REINGAND
CELIGHT, INC.
12200 TECH RD., STE. 200
SILVER SPRING MD 20904

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OCT 10 2007

OFFICE OF PETITIONS

In re Application of :
Isaac Shpantzer et al :
Application No. 11/503,456 : ON PETITION
Filed: August 11, 2006 :
Attorney Docket No. CELT-001/00US :

This is a decision on the petition under 37 CFR 1.137(b), filed May 11, 2007, to revive the above-identified application.

The petition is **DISMISSED.**

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

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed August 30, 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 above-identified application became abandoned on October 31, 2006.

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

The petition received May 11, 2007 was sign by one (1) inventor, Isaac Shpantzer. All communications received at the USPTO must be sign by all of the inventors. 37 CFR 1.33(b) states:

> "Amendments and other papers filed in the application must be signed by: (1) An attorney or agent of record appointed in compliance with § 1.34(b); (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a); (3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest; (4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undivided part interest; or (5) All of the applicants (§§ 1.42. 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73."

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.

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
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Isaac Shpantzer
8312 Rising Ridge
Bethesda, MD 20817

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12200 TECH RD.
SILVER SPRING, MD 20904

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MAR 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Isaac Shpantzer et al	:	
Application No. 11/503,456	:	ON PETITION
Filed: August 11, 2006	:	
Attorney Docket No. CELT-001/00US	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 23, 2007, to revive the above-identified application.

The petition is **GRANTED**.

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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600 ATLANTIC AVENUE
BOSTON MA 02210-2206

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APR 14 2010
OFFICE OF PETITIONS

In re Application of	:	
KRIEG et al.	:	APPLICATION FOR
Application No. 11/503,483	:	PATENT TERM ADJUSTMENT
Filed: August 11, 2006	:	
Docket No. C1039.70048US22	:	

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705" filed January 4, 2010. Applicants submit that the correct patent term adjustment to be indicated on the patent is six hundred two (602) days, not three hundred sixty-five (365) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants seek this correction partly on the basis that the Office will take in excess of three years to issue this patent.

The request for review of the patent term adjustment is **GRANTED to the extent indicated herein**.

The Office has updated the PALM and PAIR screens to reflect that the Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **three hundred sixty-four (364) days**. A copy of the updated PAIR screen, showing the corrected determination, is enclosed.

On October 1, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment is three hundred sixty-five (365) days. On January

4, 2010, applicants submitted the present application for patent term adjustment.

Initially, applicants disclose:

> Pursuant to 37 C.F.R. §1.704, the total period of USPTO delay is reduced by the period of Applicant delay, which should be determined to be **1** day. A non-final rejection was mailed from the USPTO on March 4, 2009. A response was submitted on June 4, 2009. An Information Disclosure Statement (IDS) was submitted on June 5, 2009. The IDS did not include a statement in accordance with 37 C.F.R. §1.704(d). Further, the IDS was not expressly requested by the Examiner within the meaning of 37 C.F.R. §1.704(c)(8). Accordingly, the IDS filed on June 5, 2009 should be considered a failure to engage in reasonable efforts to conclude processing or examination of an application under 37 C.F.R. §1.704(c)(8)[.]

Application for patent term adjustment, 01/14/10, p. 3.

The Office concurs with applicants. A review of the application history supports the conclusion that the period of adjustment set forth in § 1.703 should have been reduced by 1 day pursuant to 37 CFR 1.704(c)(8) for the filing of the IDS on June 5, 2009. Accordingly, a period of reduction of 1 day for applicant delay will be entered.

As to applicants' request for reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within three years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR

1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss such a request as premature.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee.[1]

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within two months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

---

[1] For example, if applicants dispute both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed, and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicants must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

In view of the additional period of reduction pursuant to 37 CFR 1.704(c)(8), the patent term adjustment determination at the time of the mailing of the Notice of Allowance is 364 days (365 days of Office delay - 1 days of applicant delay).

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

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of updated PALM screen

Day : Wednesday

PALM INTRANET

Date: 4/14/2010
Time: 06:58:54

PTA Calculations for Application: 11/503483			
Application Filing Date:	08/11/2006	PTO Delay (PTO):	365
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	364
PTO Delay Adjustment:	-1		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
51	04/14/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		1	
43	10/01/2009	MAIL NOTICE OF ALLOWANCE			
42	09/30/2009	ISSUE REVISION COMPLETED			
41	09/30/2009	DOCUMENT VERIFICATION			
40	09/30/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
39	09/30/2009	CASE DOCKETED TO EXAMINER IN GAU			
38	09/30/2009	NOTICE OF ALLOWABILITY			
34	06/05/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
33	07/13/2009	DATE FORWARDED TO EXAMINER			
32	06/04/2009	RESPONSE AFTER NON-FINAL ACTION			
31	06/05/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
30	03/04/2009	MAIL NON-FINAL REJECTION			
29	03/02/2009	NON-FINAL REJECTION			
24	12/16/2008	DATE FORWARDED TO EXAMINER			
23	11/10/2008	RESPONSE TO ELECTION / RESTRICTION FILED			
22	10/10/2008	MAIL RESTRICTION REQUIREMENT	365		-1
21	10/09/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
20	08/14/2008	PRELIMINARY AMENDMENT			
18	05/20/2008	CASE DOCKETED TO EXAMINER IN GAU			
17	05/06/2008	CASE DOCKETED TO EXAMINER IN GAU			
16	03/22/2007	PG-PUB ISSUE NOTIFICATION			
15	03/06/2007	CASE DOCKETED TO EXAMINER IN GAU			
14	12/30/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			

13	08/11/2006	PRELIMINARY AMENDMENT			
12	12/11/2006	APPLICATION RETURN FROM OIPE			
11	12/11/2006	APPLICATION RETURN TO OIPE			
10	12/11/2006	APPLICATION DISPATCHED FROM OIPE			
9	12/11/2006	APPLICATION IS NOW COMPLETE			
8	12/04/2006	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
6	08/22/2006	CLEARED BY L&R (LARS)			
5	08/22/2006	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
4	08/18/2006	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
3	08/18/2006	IFW SCAN & PACR AUTO SECURITY REVIEW			
2	08/11/2006	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
1	08/11/2006	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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

COPY MAILED

JUN 29 2007

OFFICE OF PETITIONS

In re Application of:	:	
Williams et al.	:	
Application No. 11/503490	:	DECISION DISMISSING
Filing or 371(c) Date: 08/11/2006	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
APPARATUS FOR A VEHICLE	:	

This Decision is in response to the Petition Under 37 CFR § 1.47(a), filed March 23, 2007, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s). The delay in treating this petition is regretted.

The petition is **dismissed**.

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

The above-identified application was filed on August 11, 2006, without, a fully executed oath or declaration. The Office mailed a Notice to File Missing Parts of Nonprovisional Application, on August 29, 2006, requiring *inter alia*, a properly signed oath or declaration.

Applicant files the instant petition in response to the Notice, along with an oath/declaration listing the inventors. A review of the oath/declaration reveals that the address of the nonsigning inventor differs from the last known address of the nonsigning inventor appearing in the Declaration of Andrew Mueller. Also, the last known address appearing in the Mueller Declaration appears to be an incomplete last known address.

Applicable law, Rules and/or MPEP

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with

the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (2) and (4) set forth above.

37 CFR § 1.63, Oath or declaration provides, in relevant part:

> (c) Unless such information is supplied on an application data sheet in accordance with § 1.76, the oath or declaration must also identify:
> (1) The mailing address, and the residence if an inventor lives at a location which is different from where the inventor customarily receives mail, of each inventor;

As to items (2) and (4), Applicant should clarify which address is the residence of the nonsigning inventor, and if necessary, provide the residence in a Supplemental oath/declaration. Also, if the address appearing in the Mueller Declaration is not the complete last known address of the nonsigning inventor, Applicant must provide a complete last known address of the nonsigning inventor.

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

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

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

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

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

Derek L. Woods
Attorney
Office of Petitions

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KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN TX 78767-0398

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OCT 25 2007

OFFICE OF PETITIONS

In re Application of:	:	
Williams et al.	:	
Application No. 11/503490	:	DECISION GRANTING
Filing or 371(c) Date: 08/11/2006	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
APPARATUS FOR A VEHICLE	:	

This Decision is in response to the Request for Reconsideration of Petition Under 37 CFR § 1.47(a), filed August 31, 2007, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s).

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, Danny Williams, refuses to join in the application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being referred to the Office of Initial Patent Examination for continued processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MR. DANNY WILLIAMS
214 BETULA AVENUE
MILL PARK, VICTORIA
3082 AUSTRALIA

COPY MAILED

OCT 25 2007

OFFICE OF PETITIONS

In re Application of:	:	
Williams et al.	:	
Application No. 11/503490	:	LETTER
Filing or 371(c) Date: 08/11/2006	:	
Title of Invention:	:	
APPARATUS FOR A VEHICLE	:	

Dear Mr. Williams:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Attorney
Office of Petitions

CC: MEYERTONS, HOOD, KIVLIN,
KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN TX 78767-0398

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JUL 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Steve B. Lacasse	:	DECISION ON PETITION
Application No. 11/503,491	:	TO WITHDRAW
Filed: August 11, 2006	:	FROM RECORD
Attorney Docket No. 2498-1-003PCT/CON	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed June 5, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on June 5, 2009 is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

> (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
>
> (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
>
> (3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with item (2) of the above certifications.

All future communications from the Office will continue to be directed to the above-listed address until properly notified.

There is an outstanding Office action mailed February 27, 2009 that requires a reply.

Telephone inquires concerning this decision should be directed to Joan Olszewski at 571-272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KLAUBER & JACKSON LLC
4TH FLOOR
411 HACKENSACK AVE.
HACHENSACK NJ 07601

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JUL 24 2009

OFFICE OF PETITIONS

In re Application of	:	
Steve B. LaCasse	:	DECISION ON PETITION
Application No. 11/503,491	:	TO WITHDRAW
Filed: August 11, 2006	:	FROM RECORD
Attorney Docket No. 2498-1-003PCT/CON	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 17, 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 David A. Jackson on behalf of all attorneys of record who are associated with Customer No. 23565.

All attorneys/agents associated with Customer Number 23565 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.

Currently, there is an outstanding Office action mailed February 27, 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: Steve B. LaCasse
143 SW South Danville Circle
Port St. Lucie, Florida 34953

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OFFICE OF PETITIONS

ELMORE PATENT LAW GROUP, PC
515 Groton Road
Unit 1R
Westford MA 01886

In re Application of	:	
Niu et al.	:	DECISION ON APPLICATION
Application No. 11/503,502	:	FOR
Filed: August 11, 2006	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 4056.1104 US	:	

This is in response to the "REQUEST FOR REDONSIDERATION OF PATENT TERM ADJUSTMENT, filed March 6, 2009, which is being treated as a petition pursuant to 37 CFR § 1.705(b). Applicants request that the initial Determination of Patent Term Adjustment under 35 U.S.C. 154(b) be corrected from one hundred and eleven (111) days to one hundred and twenty-five (125) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **one hundred and twenty-five (125)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On February 6, 2009, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. Applicants were advised that the patent term adjustment to date is 111 days. On March 6, 2009, Applicants timely[1] filed the instant application for patent term adjustment.

Applicants dispute the reduction of 27 days, pursuant to 37 CFR 1.704(b), for applicant delay in filing a response to the Office action mailed June 12, 2008, on October 9, 2008, three months and 27 days later. Applicants maintain that the response was

[1] Office records show that the Issue Fee payment was received on April 21, 2009.

filed not on October 9, 2008, but rather on September 25, 2008 (which is three months and 13 days after the mailing of the Office action). Consequently, Applicants maintain that the proper period of applicant delay associated with this response is not 27 days, but rather 13 days.

Applicants state that any patent issuing from the application is not subject to a terminal disclaimer.

The application history has been reviewed and it has been determined that Applicants are correct in stating that the incorrect date was used when calculating the period of reduction associated with the response to the Office action of June 12, 2008. The response was received not on October 9, 2008, but rather filed electronically on September 25, 2008. It follows that Applicants are correct in stating that a reduction of 13 days (and not 27 days) should have been accorded for failing to respond to the June 12, 2008 Office action within three months.

The reduction of 27 days has been removed, and a reduction of 13 days has been entered.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is one hundred and twenty-five (125) days (138 days of Office delay minus 13 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 regarding this matter should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of updated PAIR screen

Day : Wednesday

PALM INTRANET

Date: 9/16/2009
Time: 23:36:04

PTA Calculations for Application: 11/503502			
Application Filing Date:	08/11/2006	PTO Delay (PTO):	138
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	27
Post-Issue Petitions:	0	Total PTA (days):	125
PTO Delay Adjustment:	14		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
54	09/16/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		13	
53	09/16/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	27		
41	02/06/2009	MAIL NOTICE OF ALLOWANCE			
40	02/04/2009	ISSUE REVISION COMPLETED			
39	02/04/2009	DOCUMENT VERIFICATION			
38	02/03/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
37	02/03/2009	CASE DOCKETED TO EXAMINER IN GAU			
36	02/02/2009	EXAMINER'S AMENDMENT COMMUNICATION			
35	02/02/2009	NOTICE OF ALLOWABILITY			
34	01/22/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
33	11/02/2008	DATE FORWARDED TO EXAMINER			
32	10/09/2008	RESPONSE AFTER NON-FINAL ACTION		27	30
31	10/09/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
30	06/12/2008	MAIL NON-FINAL REJECTION			
29	06/09/2008	NON-FINAL REJECTION			
28	08/14/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
24	04/03/2008	DATE FORWARDED TO EXAMINER			
23	03/26/2008	RESPONSE TO ELECTION / RESTRICTION FILED			
22	02/26/2008	MAIL RESTRICTION REQUIREMENT	138		-1
21	02/19/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
20	02/19/2008	CASE DOCKETED TO EXAMINER IN GAU			
19	02/14/2008	PG-PUB ISSUE NOTIFICATION			
18	09/25/2007	CASE DOCKETED TO EXAMINER IN GAU			

17	08/14/2007	REFERENCE CAPTURE ON IDS			
16	08/14/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	08/14/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	06/22/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
13	05/15/2007	APPLICATION DISPATCHED FROM OIPE			
12	05/15/2007	APPLICATION DISPATCHED FROM OIPE			
11	05/09/2007	SENT TO CLASSIFICATION CONTRACTOR			
10	05/09/2007	APPLICATION IS NOW COMPLETE			
7	10/12/2006	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
6	10/12/2006	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	08/28/2006	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
4	08/18/2006	CLEARED BY OIPE CSR			
3	08/18/2006	CASE CLASSIFIED BY OIPE			
2	08/17/2006	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	08/11/2006	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

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ELMORE PATENT LAW GROUP, PC
515 Groton Road
Unit 1R
Westford MA 01886

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OFFICE OF PETITIONS

In re Patent No. 7,605,126	:	DECISION ON REQUEST FOR
Niu et al.	:	RECONSIDERATION OF
Issue Date: October 20, 2009	:	PATENT TERM ADJUSTMENT
Application No. 11/503,502	:	and
Filed: August 11, 2006	:	NOTICE OF INTENT TO ISSUE
Atty Docket No.: 4056.1104 US	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on December 10, 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 one hundred and ninety-five (195) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one hundred and ninety-five (195) days is **GRANTED**.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required. It is noted that this is the first paper filed under 37 CFR 1.705(d).

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one hundred and ninety-five (195) days.**

Telephone inquiries specific to this matter should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,605,126 B2

DATED : **October 20, 2009** **DRAFT**

INVENTOR(S) : **Niu 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 185 days

Delete the phrase "by 185 days" and insert – by 195 days --

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

Mail Date: 04/26/2010

Applicant	: Yoshiteru Ikehata	: DECISION ON REQUEST FOR
Patent Number	: 7651309	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/503,510	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **838** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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.
11/503,511	08/10/2006	Ronald A. Yokubison	00772-32732	8985

7590 04/10/2008
THORPE NORTH & WESTERN, LLP.
P.O. Box 1219
SANDY, UT 84091-1219

EXAMINER
BUCKLE JR, JAMES J

ART UNIT	PAPER NUMBER
3635	

MAIL DATE	DELIVERY MODE
04/10/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
04/15/2008 DTERRY 0000162240

CHECK Refund Total: $2750.00

Adjustment date: 04/15/2008 DTERRY
04/06/2006 CNGUYEN2 00000023 11503511
05 FC:1201 -500.00 OP
06 FC:1202 -1400.00 OP
-850.00 OP

FORM PET651G (Rev. 08/07)

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JJGJR.: 08-07

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OFFICE OF PETITIONS

BERKELEY LAW &
TECHNOLOGY GROUP, LLP
17933 NW EVERGREEN PARKWAY, SUITE 250
BEAVERTON OR 97006

In re Application of	:	
Wood, et al.	:	
Application No. 11/503,543	:	ON PETITION
Filed: 10 August, 2006	:	
Attorney Docket No. 012.P67003RE	:	

This is a decision on the petition filed on 11 April, 2007, under 37 C.F.R. §1.47(b).

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 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";

---

[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.**

(2) Thereafter, there will be no further reconsideration of this matter.

BACKGROUND

The record indicates:

- the instant application was filed on 10 August, 2006, without, *inter alia*, a fully executed oath/declaration;
- on 11 September, 2006, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration was required within two months;
- on 10 April, 2007, Petitioner Paul G. Nagy (Reg. No. 37,896) filed, *inter alia*, the instant petition with fee, and it appears at this writing that a substantial portion of the petition was garbled or otherwise lost in the FAX transmission, such that is it unclear as to the details averred by Petitioner and so Petitioner respectfully is requested to resubmit his petition–and while it appears that the exhibits and/or attachments to the petition were properly received, Petitioner may find it wise to review the materials on Private PAIR eot ensure the completeness of his filing of an averment and supporting documents evidencing that, after diligent effort to ascertain the current/reasonably believed last known address, the entire application (description, claims, abstract and drawings) were transmitted to the non-signing inventors James R. Wood and Pradip Mitra for their review and consideration before signing, and they have not signed.

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

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;

---

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]

(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 acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in §1.56.

Alternatives

When it is a matter that Petitioner submits a wholly unsigned oath/declaration, the commentary at MPEP §409.03(b) provides that, where no inventors are available to sign:

409.03(b) No Inventor Available

Filing under 37 C.F.R. 1.47(b) and 35 U.S.C. 118 is permitted only when no inventor is available to make application. These provisions allow a "person" with a demonstrated proprietary interest to make application "on behalf of and as agent for" an inventor who "can-not be found or reached after diligent effort" or who refuses to sign the application oath or declaration. The word "person" has been construed by the U.S. Patent and Trademark Office to include juristic entities, such as a corporation. Where 37 C.F.R. 1.47(a) is available, application cannot be made under 37 C.F.R. 1.47(b).

In addition to other requirements of law (35 U.S.C. 111(a) and 115), an application deposited pursuant to 37 C.F.R. 1.47(b) must meet the following requirements:

(A) The 37 C.F.R. 1.47(b) applicant must make the oath required by 37 C.F.R. 1.63 and 1.64 or 1.175. Where a corporation is the 37 C.F.R. 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. An inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. *Staeger v. Commissioner*, 189 USPQ 272 (D.D.C. 1976), *In re Striker*, 182 USPQ 507 (Comm'r Pat. 1973). Where an application is executed by one other than the inventor, the declaration required by 37 C.F.R. 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 C.F.R. 1.47(b).

(B) The 37 C.F.R. 1.47(b) applicant must state his or her relationship to the inventor as required by 37 C.F.R. 1.64.

(C) The application must be accompanied by proof that the inventor (1) cannot be found or reached after a diligent effort or (2) refuses to execute the application papers. See MPEP §409.03(d).

(D) The last known address of the inventor must be stated. See MPEP §409.03(e).

(E) The 37 C.F.R. 1.47(b) applicant must make out a *prima facie* case (1) that the invention has been assigned to him or her or (2) that the inventor has agreed in writing to assign the invention to him or her or (3) otherwise demonstrate a proprietary interest in the subject matter of the application. See MPEP §409.03(f).

(F) The 37 C.F.R. 1.47(b) applicant must prove that the filing of the application is necessary (1) to pre-serve the rights of the parties or (2) to prevent irreparable damage. See MPEP §409.03(g).

Thus, a registered practitioner signing on behalf of the assignee, must state affirmatively that the practitioner is authorized to so sign. (MPEP §409.03(b)).

When one alleges a refusal of the inventor(s) or unavailability of the inventor(s) 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 <u>must a copy of the entire application must be sent to the last known address of the non-signing inventor</u> (or the estate representative) with a request that he/she sign the declaration for the patent application–<u>and evidence of that transmittal submitted</u>–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.[3])

CONCLUSION

Petitioner's attention is directed to the closing item(s) set forth in the background as that/those to be addressed in any renewed petition.

Therefore, the instant petition hereby is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:[4]

By mail: Commissioner for Patents[5]
P.O. Box 1450
Alexandria, VA 22313-1450

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

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[3] See: MPEP 409.03(b).

[4] On July 15, 2005, the Central Facsimile (FAX) Number was changed to (571) 273-8300. Faxes sent to the old number are not routed to the new number, 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/opla/preognotice/cfax062005.pdf .)

[5] To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[6]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[6] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

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

MEYERTONS, HOOD,
KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN TX 78767-0398

COPY MAILED
JUN 19 2008
OFFICE OF PETITIONS

In re Application of	:	
Wood, et al	:	DECISION ON PETITION
Application No.: 11/503,543	:	
Filed: 10 August, 2006	:	
Attorney Docket No.: 6057-49901	:	

This is the decision in response to the petition under 37 C.F.R. §1.47(b), filed on 13 December, 2007.

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.

The petition under 37 C.F.R. §1.47(b), is **GRANTED.**

Petitioner has shown that the non-signing inventors have not replied and thus constructively hace refused to sign/join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(b). This application is hereby accorded Rule 1.47(b) status.

The record reflects that: Petitioner demonstrates that the entire application—description, claims, abstract and drawings—was sent to and received at the last known residence address of one non-signing inventor and not accepted/received at the other (and a call was placed by the Office and confirmed that the latter address was current), and that the non-signing inventors have since failed and, thus, constructively refused to join in the filing of the above-identified application.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an

applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

CONCLUSION

The instant petition under 37 C.F.R. §1.47 is **granted**.

As provided in 37 C.F.R. §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 instant application is released to the Office of Patent Application Processing (OPAP) (formerly the Office of Initial Patent Examination (OIPE)) for further processing in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

---

[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.

[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.

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

COPY MAILED

JUN 19 2008

OFFICE OF PETITIONS

JAMES R. WOOD
4145 WINDOMERE DRIVE
GRAPEVINE, TX 76051

In re Application of	:	
Wood, et al	:	COMMUNICATION
Application No.: 11/503,543	:	
Filed: 10 August, 2006	:	
Attorney Docket No.: 6057-49901	:	

Dear James R. Wood:

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, Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an 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.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (https://oedci.uspto.gov/OEDCI/).

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the

application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

While telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) 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). Moreover, the Office cannot neither advise you nor recommend Counsel in this matter.

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
MEYERTONS, HOOD,
KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN TX 78767-0398

[1] 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED
JUN 19 2008
OFFICE OF PETITIONS

PRADIP MITRA
2805 RED OAK CT.
COLLEYVILLE, TX 76034

In re Application of	:	
Wood, et al	:	COMMUNICATION
Application No.: 11/503,543	:	
Filed: 10 August, 2006	:	
Attorney Docket No.: 6057-49901	:	

Dear Pradip Mitra:

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, Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an 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.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (https://oedci.uspto.gov/OEDCI/).

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the

application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

While telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) 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). Moreover, the Office cannot neither advise you nor recommend Counsel in this matter.

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
MEYERTONS, HOOD,
KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN TX 78767-0398

[1] 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

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.
11/503,568	08/12/2006	Ross J. Enriquez		9710

7590 03/21/2008

Ross Enriquez
9212 Bearint Way
Elk Grove, CA 95758

EXAMINER
XAVIER, VALENTINA

ART UNIT	PAPER NUMBER
3644	

MAIL DATE	DELIVERY MODE
03/21/2008	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. ☑ 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.

Patent Publication Branch
Office of Data Management

04/09/2008 KKING1 00000002 501248 11503568

01 FC:1464 130.00 DA

FORM PET650D (Rev. 08/07)

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

XILINX, INC
ATTN: LEGAL DEPARTMENT
2100 LOGIC DR
SAN JOSE, CA 95124

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AUG 07 2008

OFFICE OF PETITIONS

In re Application of :
Jeffrey M. Mason et al :
Application No. 11/503,589 : ON PETITION
Filed: August 14, 2006 :
Attorney Docket No. X-2407 US

This is a decision on the petition, filed August 6, 2008 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 24, 2008 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2825 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CHRISTOPHER & WEISBERG, P.A.
200 EAST LAS OLAS BOULEVARD
SUITE 2040
FORT LAUDERDALE, FL 33301

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JUL 17 2008

OFFICE OF PETITIONS

In re Application of	:	
Edward A. Cronauer	:	
Application No. 11/503,591	:	ON PETITION
Filed: August 14, 2006	:	
Attorney Docket No. 10453-7801DIV	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on March 4, 2008, to revive the above-identified application.

The application became abandoned for failure to timely respond to the Notice of Allowance and Fee(s) Due mailed October 31, 2007. A Notice of Abandonment was mailed on February 26, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $720 for payment of the issue fee and $300 for payment of the publication fee; (2) the petition fee of $770; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office acknowledges receipt of $6 for two advanced order soft copies filed on March 4, 2008.

This application file is being referred to the Office of Data Management to be processed 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed: September 15, 2008

VISTA PRINT USA, INC.
ATTN: PATENT COUNSEL
95 HAYDEN AVENUE
LEXINGTON MA 02421

Applicant: Hanechak
Appl. No.: 11/503,636
Filing Date: August 14, 2006
Title: AUTOMATED PRODUCT LAYOUT
Attorney Docket No.: 05-009CIP
Pub. No.: US 2007/0044018 A1
Pub. Date: February 22, 2007

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on September 10, 2008, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission.** The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, **as a Pre-Grant publication submission.**

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Program & Management Analyst
Office of Data Management

Adjustment date: 09/17/2008 KKING1
09/11/2008 INTEFSW 00001082 502765 11503636
01 FC:1504 300.00 CR

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

GEORGE H. GERSTMAN, ESQ.
SEYFARTH SHAW LLP
131 SO. DEARBORN STREET, SUITE 2400
CHICAGO, IL 60603

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JAN 28 2008

OFFICE OF PETITIONS

In re Application of	:	
Maynard Ramsey III et al	:	
Application No. 11/503,648	:	DECISION GRANTING PETITION
Filed: August 13, 2006	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 400400	:	

This is a decision on the petition under 37 CFR 1.137(b), filed June 29, 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 replacement drawings and additional claim fee of $350; (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 29, 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 Patent Application Processing.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HOLLAND & KNIGHT LLP
ATTN: STEFAN V. STEIN/
IP DEPT.
POST OFFICE BOX 1288
TAMPA FL 33601-1288

COPY MAILED

MAY 10 2007

OFFICE OF PETITIONS

In re Application of	:	
Frank Ruggieri, Rudolph Draaisma	:	
David Lackstrom, Napoleon Salvail	:	
and Clyde Zielke	:	
Application No. 11/503,658	:	ON PETITION
Filed: August 14, 2006	:	
Attorney Docket No. 106466.00012	:	

This is in response to the "PETITION UNDER 37 CFR 1.47" filed January 30, 2007. This petition was submitted by registered patent practitioner Stefan V. Stein for Research Sciences, 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.

A registered patent practitioner for the assignee filed the instant petition. The practitioner states that Research Sciences is the complete assignee and requests acceptance of a declaration executed by their employee on behalf of the non-signing inventors. However, Research Sciences has not filed a 3.73(b) statement establishing their right to take action in

this application. Moreover, no showing of ownership as required by 3.73(b)(1) accompanies the petition. Nor is such a statement or showing of ownership of record in the application.

In view thereof, 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 herein, 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).

Even if this petition were accepted as filed by practitioner Stein, it would be dismissed.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or found, after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition fee has been charged to the Deposit Account, as authorized. Otherwise, applicants have not met the requirements of 37 CFR 1.47(a). Applicants have not submitted adequate proof of the refusal of the inventors to join in the application, have not submitted an acceptable declaration, and have not submitted a statement of the last known address of the non-signing inventor.

With respect to requirement (1), applicants state that the non-signing inventors have threatened litigation concerning corporate matters and have otherwise been belligerent and uncooperative in all respects. This is insufficient to meet the required showing, set forth in MPEP 409.03(d) and reproduced as follows:

> 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 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. 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 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient.

When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The

> document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

With respect to requirement (2), petitioner is further advised that 37 CFR 1.47(a) and 35 U.S.C. 116, second paragraph, requires all available joint inventors to file an application "on behalf of" themselves and on behalf of a joint inventor who "cannot be found or reached after diligent effort" or who refuses to "join in an application."

Accordingly, in addition to other requirements of law:

> All the available joint inventors must (1) make oath or declaration on their own behalf as required by 37 CFR 1.63 or 1.175 (see MPEP § 602, § 605.01, and § 1414) and (2) make oath or declaration on behalf of the nonsigning joint inventor as required by 37 CFR 1.64. An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Filing under 37 CFR 1.47(b) and 35 U.S.C. 118 is permitted only when no inventor is available to make application. Thus, it is not permissible for Gilbert McArthur, even if he is authorized to act on behalf of an assignee, to sign the declaration on behalf of the non-signing inventors.

Finally, 37 CFR 1.63(e) provides that:

> A newly executed oath or declaration must be filed in any continuation-in-part application, which application may

name all, more, or fewer than all of the inventors named in the prior application.

Petitioner states that this is a continuation-in-part application and that more inventors are named, but still seeks acceptance of a declaration from the parent application. Given these statements, submission of such a declaration appears inconsistent with rule 1.63(e). In any event, petitioner needs to properly proceed pursuant to either 37 CFR 1.47(a) or 37 CFR 1.63(d).

With respect to requirement (4), the petition does not include a statement of the last known addresses of the non-signing inventors as required by the rule.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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ATTN: STEFAN V. STEIN/
IP DEPT.
POST OFFICE BOX 1288
TAMPA FL 33601-1288

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OFFICE OF PETITIONS

In re Application of	:	
Frank Ruggieri, Rudolph Draaisma	:	
David Lackstrom, Napoleon Salvail	:	DECISION REFUSING STATUS
and Clyde Zielke	:	UNDER 37 CFR 1.47(a)
Application No. 11/503,658	:	
Filed: August 14, 2006	:	
Attorney Docket No. 106466.00012	:	

This is in response to the RESPONSE TO DECISION ON PETITION filed November 13, 2007.

The petition under 37 CFR 1.47 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 herein, 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 August 14, 2006, without an executed oath or declaration. Accordingly, on August 30, 2006, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring submission of an executed oath or declaration and the surcharge for late filing under § 1.16(e)(and submission of missing fees, including the statutory basic filing fee, search, claim and examination fees).

A "PETITION UNDER 37 CFR 1.47" was filed on January 30, 2007. By decision mailed May 10, 2007, the petition was not accepted as it did not include an adequate showing of the assignee's right to take action in this application, as required by 37 CFR 3.71 et. seq. and MPEP 324.

Moreover, petitioner was advised that even if the petition were accepted as filed, it would not be granted. It was noted that applicants had not submitted adequate proof of the refusal of the inventors to join in the application, had not submitted an acceptable declaration, and had not submitted a statement of the last known address of the non-signing inventor.

On November 13, 2007, petitioner filed proof of the assignee's authority to take action in this application in the form of references to the recorded assignments to cure the deficiency in the previously filed 3.73(b) statement, some proof of the unavailability of the non-signing inventors, and a statement that the last known addresses of the non-signing inventors is as shown in their previously-filed declarations in the parent applications. Petitioner did not submit a new oath or declaration.

Preliminarily, it is noted that petitioner has now made an adequate showing of the assignee's right to take action in this application, as required by 37 CFR 3.71 et. seq. and MPEP 324. Nonetheless, the petition still is not grantable.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or found, after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Requirements (1), (2) and arguably (3) still have not been met.

With respect to requirement (1), petitioner was previously advised that the proffered showing that the non-signing inventors have threatened litigation concerning corporate matters and have otherwise been belligerent and uncooperative in all respects was insufficient to meet the required showing. Petitioner was advised that as set forth in MPEP 409.03(d), a refusal to 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. On instant petition, petitioner merely states that in the

With respect to requirement (2), petitioner was previously advised that it is not permissible for Gilbert McArthur, a person signing on behalf of the assignee, to sign the declaration on behalf of the non-signing inventors. Petitioner was specifically advised that 37 CFR 1.47(a) and 35 U.S.C. 116, second paragraph, requires all available joint inventors to file an application "on behalf of" themselves and on behalf of a joint inventor who "cannot be found or reached after diligent effort" or who refuses to "join in an application."

Accordingly, in addition to other requirements of law:

> All the available joint inventors must (1) make oath or declaration on their own behalf as required by 37 CFR 1.63 or 1.175 (see MPEP § 602, § 605.01, and § 1414) and (2) make oath or declaration on behalf of the nonsigning joint inventor as required by 37 CFR 1.64. An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Filing under 37 CFR 1.47(b) and 35 U.S.C. 118 is permitted only when no inventor is available to make application.

Moreover, petitioner was reminded of the provisions of 37 CFR 1.63(e), as follows:

> A newly executed oath or declaration must be filed in any continuation-in-part application, which application may name all, more, or fewer than all of the inventors named in the prior application.

Specifically, petitioner stated that this is a continuation-in-part application and that more inventors are named, but still seeks acceptance of a declaration from the parent application.

Given these statements, submission of such a declaration appears inconsistent with rule 1.63(e).

Nonetheless, petitioner did not submit a new declaration on instant renewed petition. Without filing a proper 1.48 petition, petitioner requests correction of inventorship and indicates that given such a correction the declaration is acceptable under rule 1.63(e). Absent actual correction of the inventorship, petitioner's argument is not persuasive. Petitioner has not overcome the conclusion that a declaration in compliance with 37 CFR 1.47(a) is required. In this instance inventors are available so a declaration pursuant to 37 CFR 1.47(a) is required. Thus, it is not permissible for Gilbert McArthur, even if he is authorized to act on behalf of an assignee, to sign the declaration on behalf of the non-signing inventors. An acceptable declaration is required.

With respect to requirement (4), the petition does not include a statement of the last known addresses of the non-signing inventors as required by the rule. Reference to the addresses in the unacceptable declarations is not satisfactory.

It is concluded that petitioner has only satisfied 37 CFR 1.47(a) to the extent that the petition fee was paid. On renewed petition, petitioner is required to correct the deficiencies noted (or respond with the filing of a declaration in compliance with 1.63 signed by all of the inventors).

Petitioner is reminded that any correction of inventorship is by way of 37 CFR 1.48 (and must include any required petition fee).

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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JUL 3 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Frank Ruggieri, Rudolph Draaisma	:	
David Lackstrom, Napoleon Salvail	:	DECISION ACCORDING STATUS
and Clyde Zielke	:	UNDER 37 CFR 1.47(a)
Application No. 11/503,658	:	
Filed: August 14, 2006	:	
Attorney Docket No. 106466.00012	:	

This is in response to the RESPONSE TO DECISION REFUSING STATUS UNDER 37 CFR 1.47(a) and REQUEST FOR ONE MONTH EXTENSION OF TIME filed May 29, 2008.

The petition under 37 CFR 1.47 is **GRANTED**.

The above-identified application was filed on August 14, 2006, without an executed oath or declaration. On August 30, 2006, the Office mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring submission of an executed oath or declaration and the surcharge for late filing under § 1.16(e)(and submission of missing fees, including the statutory basic filing fee, search, claim and examination fees).

On November 30, 2006, applicants filed a declaration executed by joint inventors Zielke and Ruggieri, but without the signatures of joint inventors Draaisma, Lackstrom and Salvail. This response also included the missing filing fees. This response was made timely by an accompanying petition and fee for extension of time for response within the first month. However, no petition under 37 CFR 1.47 accompanied this response. Accordingly, on December 12, 2006, applicants were mailed a NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL) requiring the

signatures of inventors Draaisma, Lackstrom and Salvail on the declaration.

In response, a "PETITION UNDER 37 CFR 1.47" was filed on January 30, 2007. By decision mailed May 10, 2007, the petition was not accepted as it did not include an adequate showing of the assignee's right to take action in this application, as required by 37 CFR 3.71 et. seq. and MPEP 324. Moreover, applicants had not submitted adequate proof of the refusal of the inventors to join in the application, had not submitted an acceptable declaration[1], and had not submitted a statement of the last known address of the non-signing inventors. Applicants' proof of refusal was inadequate as applicants merely stated that the non-signing inventors had threatened litigation concerning corporate matters and had otherwise been belligerent and uncooperative in all respects, without first showing that a *bona fide* attempt had been made to present the application papers to the inventors.

On November 13, 2007, petitioner filed a 3.73(b) statement, some proof of the unavailability of the non-signing inventors, and a statement that the last known addresses of the non-signing inventors is as shown in their previously-filed declarations in the parent applications. Petitioner did not submit a new oath or declaration. By decision mailed March 6, 2008, the petition was dismissed for lack of clarification of the declaration issue. In fact, applicants improperly requested correction of the inventorship[2]. Further, applicants did not submit adequate

---

[1] Multiple declarations for patent were provided, including 1) one from the parent application, 2) one signed by a Mr. MacArthur on behalf of the assignee and on behalf of the non-signing inventors, and 3) a copy of the one filed November 30, 2006. Petitioner stated that the copy of the declaration from the parent should be sufficient. No declaration was accepted. The declaration from the parent was not acceptable pursuant to 37 CFR 1.63(e) as this application is a continuation-in-part application and names more inventors (namely Zielke). The declaration signed by Mr. MacArthur was not acceptable as some of the inventors were available to join in the application. Thus, all the available joint inventors were required to (1) make oath or declaration on their own behalf as required by 37 CFR 1.63 or 1.175 (see MPEP § 602, § 605.01, and § 1414) and (2) make oath or declaration on behalf of the non-signing joint inventor as required by 37 CFR 1.64. Petitioner appeared only to be offering the third declaration as an exhibit.

[2] Applicants were advised that if correction of inventorship were required, a separate petition meeting the requirements of 37 CFR 1.48 must be filed. It is noted that the first executed declaration included inventor Zelke, and

proof that the non-signing inventors had refused to join in the application after having been presented with the application papers. Applicants merely stated that a copy of the CIP application is being sent to the non-signing inventors at their last known address asking that they sign the inventors' declaration and that no response was expected[3].

On instant renewed petition, applicants have submitted a declaration executed by joint inventor Salvail on behalf of himself and on behalf on non-signing inventors Draaisma and Lackstrom. In addition, applicants have submitted proof that the application papers have been sent via United Parcel Service to non-signing inventors Draaisma and Lackstrom. The proof included copies of the letters sent and the UPS tracking reports. The papers were not accepted. It is noted that UPS did not state that the delivery addresses were incorrect. Further, this proof is considered in light of applicants' previous statements that the inventors threatened litigation concerning corporate matters and had otherwise been belligerent and uncooperative in all respects. The renewed petition also included a statement of the last known addresses of the non-signing inventors.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or found, after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

Applicants have now met all of the requirements. Applicants have submitted adequate proof that inventors Draaisma and Lackstrom have by their conduct refused to join in the application. A statement of the last known addresses of non-signing inventors Draaisma and Lackstrom have been provided. The petition fee was paid on January 30, 2007.

---

set the inventorship in this application. No petition under 37 CFR 1.48 is required to add inventor Zelke.

[3] Please note there was a typographical error in the decision mailed March 6, 2008. This sentence beginning with "a copy of" following "that" instead of "in the" should have been the thought concluding the last sentence of the paragraph at the top of page 3.

The declarations filed November 30, 2006 and May 29, 2008 have been reviewed and found acceptable.

In view thereof, this application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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DAVID LACKSTROM
432 BEACH PARK LANE
CAPE CANAVERAL FL 32920

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JUL 30 2008

OFFICE OF PETITIONS

In re Application of	:	
Frank Ruggieri, Rudolph Draaisma	:	
David Lackstrom, Napoleon Salvail	:	
and Clyde Zielke	:	LETTER
Application No. 11/503,658	:	
Filed: August 14, 2006	:	
Attorney Docket No. 106466.00012	:	

Dear Mr. Lackstrom:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733.

Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

HOLLAND & KNIGHT LLP
ATTN: STEFAN V. STEIN/
IP DEPT.
POST OFFICE BOX 1288
TAMPA FL 33601-1288

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RUDOLPH DRAAISMA
239/2-3 Nerkeauw Rd. S019
Apt. Sirimongkonpet 106
A. Muang Siphanburi 7200
THAILAND

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JUL 30 2008

OFFICE OF PETITIONS

In re Application of	:	
Frank Ruggieri, Rudolph Draaisma	:	
David Lackstrom, Napoleon Salvail	:	
and Clyde Zielke	:	LETTER
Application No. 11/503,658	:	
Filed: August 14, 2006	:	
Attorney Docket No. 106466.00012	:	

Dear Mr. Draaisma:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

HOLLAND & KNIGHT LLP
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GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
53 STATE STREET
EXCHANGE PLACE
BOSTON, MA 02109-2881

Mail Date: 04/20/2010

Applicant	: Leo J. Schowalter	: DECISION ON REQUEST FOR
Patent Number	: 7638346	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/503,660	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **112** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
www.uspto.gov

ALPINE/BHGL
P.O. Box 10395
Chicago, IL 60610

Mail Date: 04/21/2010

Applicant	: Takao Satoh	: DECISION ON REQUEST FOR
Patent Number	: 7623854	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/503,670	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **632** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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AEGIS TOWER, SUITE 1100
4940 MUNSON STREET, NW
CANTON, OH 44718-3615

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OFFICE OF PETITIONS

In re Application of
BELDEN, Dennis D. Jr. et al.
Application No. 11/503,684
Filed: August 14, 2006
Attorney Docket No. **3719/67US**

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 02, 2008.

The request is **moot** because a revocation of power of attorney has been previously filed.

A review of the file record indicates that the power of attorney to SAND & SEBOLT has been revoked by the assignee of the patent application on October 09, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **ADAMS INTELLECTUAL PROPERTY LAW, P.A.**
SUITE 2350 CHARLOTTE PLAZA
201 SOUTH COLLEGE STREET
CHARLOTTE NC 28244

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

MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE, WI 53202

Mail Date: 04/21/2010

Applicant	: Jeroen Valensa	: DECISION ON REQUEST FOR
Patent Number	: 7659022	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/503,699	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **150** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

MAIL

JUN 03 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of HIGUCHI, KAZUTOSHI Application No. 11/503,714 Filed: August 14, 2006 Attorney Docket No. **5577-25**	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 18, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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

MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

MAILED

MAY 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Carl Freer	:	
Application No. 11/503,730	:	DECISION ON PETITION
Filed: August 11, 2006	:	TO WITHDRAW
Attorney Docket No. 615112000400	:	FROM RECORD
	:	

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, 2010.

The request is **APPROVED**.

The request was signed by David T. Yang on behalf of the practitioners of record associated with Customer Number 25224.

Applicant is reminded that there is no attorney of record at this time.

There is an outstanding Office action mailed April 21, 2010 that requires a reply from the applicant.

All future correspondence will be directed to inventor Carl Freer 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: Carl Freer
Blowfish Works
8560 W. Sunset 7th Floor
West Hollywood, CA 90069

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/503,730	08/11/2006	Carl Freer	615112000400

CONFIRMATION NO. 2083

POWER OF ATTORNEY NOTICE

25224
MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

OC000000041852812

Date Mailed: 05/28/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/02/2010.

- 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.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/503,730	08/11/2006	Carl Freer	615112000400

CONFIRMATION NO. 2083

POA ACCEPTANCE LETTER

Carl Freer
Blowfish Works
8560 W. Sunset 7th Floor
West Hollywood, CA 90069

OC000000041852848

Date Mailed: 05/28/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/02/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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BUHLER ASSOCIATES
BUHLER, KIRK A.
1101 CALIFORNIA AVE.
SUITE 208
CORONA, CA 92881

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NOV 14 2006

OFFICE OF PETITIONS

In re Application of
MEKKELSEN, et al.
Application No. 11/503,757
Filed: August 14, 2006
Attorney Docket No. RR02-03U

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 10, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The evidence submitted with the instant petition is a copy of Mr. Rousseau's California Driver License 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 3724 for action on the merits commensurate with this decision.

Patricia Volpe
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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Buhler Associates
Buhler, Kirk A.
1101 California Avenue
Suite 208
Corona, CA 92881

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OCT 22 2008

OFFICE OF PETITIONS

In re Application of	:	
Thomas C. Mekkelsen	:	
Application No. 11/503,757	:	DECISION ON PETITION
Filed: August 14, 2006	:	TO WITHDRAW
Attorney Docket No. RR02-03U	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed July 18, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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).

Requester did not certify properly for item (1) above, but did provide an additional explanation.

The request was signed by Kirk A. Buhler, on behalf of all attorneys/agents associated with customer number 37038. All attorneys/agents associated with customer number 37038 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Thomas C. Mekkelsen
68 Farwell
Berre, VT 05641

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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
11/503,757	08/14/2006	Thomas C. Mekkelsen	RR02-03U

CONFIRMATION NO. 2633

POWER OF ATTORNEY NOTICE

"OC000000032512790"

37038
BUHLER ASSOCIATES
BUHLER, KIRK A.
1101 CALIFORNIA AVE.
SUITE 208
CORONA, CA 92881

Date Mailed: 10/09/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed July 18, 2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Stetina Brunda Garred & Brucker
75 Enterprise, Suite 250
Aliso Viejo, CA 92656

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AUG 13 2008

In re Application of :
Lee A. Shaw et al. :
Application No. 11/503,759 : ON PETITION
Filed: August 14, 2006 :
Attorney Docket No. SHAWS-032CB3C :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 20, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 26, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 27, 2007. A Notice of Abandonment was mailed on January 25, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b), (2) the petition fee of $770, and (3) a proper statement of unintentional delay. Accordingly, the filing of a continuing application under 37 CFR 1.53(b) is accepted as being unintentionally delayed.

The application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the application, the application is again abandoned in favor of a continuing application under 37 CFR 1.53(b).

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

Carl Friedman
Petitions Examiner
Office of Petitions

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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Mail Date: 04/20/2010

Applicant	: Neal R. Rueger	: DECISION ON REQUEST FOR
Patent Number	: 7569484	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/503,762	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **227** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No. None

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JUN 25 2007

OFFICE OF PETITIONS

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

In re Application of	:	
Kyu-Kye Hwang and David Knop	:	
Application No. 11/503,775	:	DECISION ON PETITION UNDER
Filed: August 14, 2006	:	37 C.F.R. §1.47(A)
Attorney Docket No.	:	
60802CIP(50189)	:	
Title: RECOMBINANT AAV	:	
PRODUCTION IN MAMMALIAN CELLS		

This is in response to the petition pursuant to 37 C.F.R. §1.47(a)[1], filed February 26, 2007.

On August 14, 2006, the application was filed, identifying Kyu-Kye Hwang and David Knop as joint inventors. The application was deposited without an executed oath or declaration. On August 30, 2006, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, notifying applicant that a fully executed oath or declaration and the surcharge associated with the late submission of the same would be required. The notice set a two-month period for response.

---

1 A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $200;
(2) a surcharge of either $65 or $130, if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
(3) a statement of the last known address of the non-signing inventor;
(4) proof that either:
a) 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) the non-signing inventor cannot be found or reached after diligent effort, and a statement that these efforts were not successful;
(5) a declaration which complies with 37 C.F.R. §1.63.

With the present petition, Petitioner has submitted, *inter alia*, the surcharge associated with the late submission of an oath or declaration, and a declaration that has been executed by Mr. Knop.

Petitioner has established that a complete copy of the application was sent to the non-signing inventor via e-mail, and that the same has refused to execute the declaration that was included as an attachment to said e-mail.

Petitioner has met each of the five requirements of Rule §1.47(a), and has submitted all required fees. Therefore, the petition is **GRANTED** and this application is hereby accorded Rule §1.47(a) status.

As provided in Rule §1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

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) 272-3225[2]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

---

2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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FROM DIRECTOR'S OFFICE

NOV 28 2007

TECHNOLOGY CENTER 3600

Bernard S. Hoffman
Suite 7F
460 Old Town Road
Port Jefferson Station, NY 11776

In re application of Jennie Ferraioli Application No. 11/503,788 Filed: August 14, 2006 For: TRANSPORTER WITH INTEGRAL MEDIA ENTERTAINMENT AND EDUCATION CENTER FOR A BABY	**DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102**

This is a decision on the petition filed on November 5, 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 5, 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: 11/16/07

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100615

DATE : June 15, 2010

TO SPE OF : ART UNIT 2816

SUBJECT : Request for Certificate of Correction on Patent No.: 7388412

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:

Applicant must file a statutory disclaimer to cancel claim 17

SPE: /Lincoln Donovan/ **Art Unit** 2816

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

6/17/2010

Patent No. :7388412
Inventor(s) :Seok-Min Jung
Issued :6/17/2008
Title :CLOCK MULTIPLIERS USING FILTER BIAS OF A PHASE-LOCKED LOOP AND METHODS OF MULTIPLYING A CLOCK
Atty.doc./File No.

Request for Certificates of Correction

Consideration has been given to your request for the issuance of a Certificate of Correction, for the above – identified patent under the provisions of CFR 1.322.

Inspection of the application for the patent reveals by th spe that the applicant should file a statutory disclaimer to delete claim 17. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

In view of the forgoing, your request in this matter, is hereby denied.

Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

MILLS & ONELLO LLP
ELEVEN BEACON STREET, SUITE 605
BOSTON, MA 02108

HR

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAILED

JUL 19 2010

OFFICE OF PETITIONS

THE LAW OFFICE OF DEEPTI PANCHAWAGH - JAIN
C/O CPA GLOBAL
PO BOX 52050
MINNEAPOLIS, MN 55402

In re Application of	:	
DARGAHI, Ross et al.	:	
Application No. 11/503,810	:	DECISION ON PETITION
Filed: August 14, 2006	:	TO WITHDRAW
Attorney Docket No. **A476**	:	FROM RECORD
	:	

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 08, 2010.

The request is **moot** because a revocation of power of attorney has been previously filed.

A review of the file record indicates that the power of attorney to THE LAW OFFICE OF DEEPTI PANCHAWAGH- JAIN has been revoked by the assignee of the patent application on May 21, 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 Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **VMWARE, INC.**
DARRYL SMITH
3401 HILLVIEW AVE.
PALO ALTO CA 94304

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO IL 60606

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JUN 04 2007

OFFICE OF PETITIONS

In re Application of
Drury, et al.
Application No. 11/503,816
Filed: August 14, 2006
Attorney Docket No. 27754/27328
For: METHODS OF FORMING TRACKS AND TRACK ARRANGEMENTS

DECISION ON PETITION UNDER 37 CFR 1.181

This is a decision on the petition under 37 CFR 1.181, filed May 24, 2007, to withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

This application was held abandoned due to applicants' alleged failure to reply within two months to the Notice to File Missing Parts of Nonprovisional Application, mailed September 1, 2006. The Office contended that this application became abandoned on November 2, 2006. A Notice of Abandonment was mailed on May 10, 2007.

Petitioners assert that a reply was timely mailed on certificate of mailing date November 1, 2006 and received in the Office on November 6, 2006. In support of this assertion, petitioners have provided a copy of applicants' response that contains a proper certificate of mailing bearing a November 1, 2006 date of deposit.

Under 37 C.F.R. § 1.8(a)(1) correspondence is considered timely if: (1) the correspondence is mailed or transmitted prior to expiration of the set period for response by being properly addressed to the Patent and Trademark Office as set out in 37 C.F.R. § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail or transmitted to the Patent and Trademark Office in accordance with 37 C.F.R. § 1.6(d); and (2) the correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The

person signing the certificate should have a reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

The "Response to Notice to File Missing Parts" bears a proper certificate of mailing, dated November 1, 2006, in compliance with the requirements of 37 C.F.R. § 1.8(a)(1) as set forth above.

In addition, petitioners have submitted an itemized postcard receipt showing an Office of Initial Patent Examination date stamp, citing November 6, 2006 as the date of receipt, affixed thereto. The postcard lists, *inter alia*, that the filing included an executed declaration and a check for $130.00. The return postcard constitutes *prima facie* evidence that the items listed thereon were received in the Office on November 6, 2006. MPEP 503.

Therefore, the reply bearing a November 1, 2006 certificate of mailing was received in the Office on November 6, 2006. The petition under 37 CFR 1.181 is **GRANTED**, the holding of abandonment is withdrawn, and the May 10, 2007 Notice of Abandonment is vacated.

Regarding fees, as the correspondence mailed on certificate of mailing date November 1, 2006 cannot be located, the $130.00 surcharge due on November 1, 2006 will be charged to deposit account no. 13-2885. No petition fee has been or will be charged in connection with the petition under 37 CFR 1.181.

After the mailing of this decision, the application file will be returned to the Office of Initial Patent Examination for further processing.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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APR 1 3 2009

OFFICE OF PETITIONS

MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES CA 90013-1024

In re Application of	:	
SCHEELKE, Erik	:	
Application No. 11/503,818	:	DECISION ON PETITION
Filed: August 11, 2006	:	TO WITHDRAW
Attorney Docket No. **601542000920**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 19, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **PETER A. EMMI, ESQ.**
PATTERSON BELKNAP WEBB & TYLER LLP
1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

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CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford CT 06103

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SEP 30 2009

OFFICE OF PETITIONS

In re Application of :
Ryu et al. :
Application No. 11/503,837 :
Filed: August 14, 2006 :
Attorney Docket No. CMT0080US :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 1, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of February 27, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A three-month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is August 28, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810.00, and the submission required by 37 CFR 1.114; (2) the petition fee of $1620.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 1795 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment previously submitted in accordance with 37 CFR 1.114.

Charlema Grant
Petitions Attorney
Office of Petitions

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SHUMAKER & SIEFFERT, P. A.
8425 SEASONS PARKWAY
SUITE 105
ST. PAUL MN 55125

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JAN 2 2 2007

OFFICE OF PETITIONS

In re Application of	:	
YATABE, et al.	:	
Application No. 11/503,844	:	DECISION ON PETITION
Filed: August 14, 2006	:	TO WITHDRAW
Attorney Docket No. 1085-062US01	:	FROM RECORD
	:	

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** as moot.

A review of the file record indicates that the power of attorney to Kent Sieffert of SHUMAKER & SIEFFERT PA has been revoked by the assignee of the patent application on November 20, 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: **GLOBAL IP COUNSELORS**
1233 20TH STREET, SUITE 700
WASHINGTON, DC 20036

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
11/503,844	08/14/2006	Kazuo Yatabe	1085-062US01

CONFIRMATION NO. 1225

OC000000021827092

28863
SHUMAKER & SIEFFERT, P. A.
8425 SEASONS PARKWAY
SUITE 105
ST. PAUL, MN 55125

Date Mailed: 01/04/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/20/2006.

- 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).

MONICA A GRAVES
OP (571) 272-7253

FORMER ATTORNEY/AGENT COPY

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/503,844	08/14/2006	Kazuo Yatabe	1085-062US01

CONFIRMATION NO. 1225

OC000000021827130

22919
GLOBAL IP COUNSELORS, LLP
1233 20TH STREET, NW, SUITE 700
WASHINGTON, DC 20036-2680

Date Mailed: 01/04/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/20/2006.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

MONICA A GRAVES
OP (571) 272-7253

ATTORNEY/APPLICANT COPY

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Thomas A. O'Rourke
Bodner & O'Rourke
425 Broadhollow Road
Melville NY 11747

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OFFICE OF PETITIONS

In re Application of :
Hector Castillo et al :
Application No. 11/503,860 :
Filed: August 14, 2006 :
For: IMPROVED PEDICLE PUNCH :
WITH CANNULA

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 12, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed August 30, 2006, which required the submission of a $300 filing fee, an executed oath or declaration, additional claim fees of $400, and a surcharge fee of $130. 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 December 1, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply in the form of the filing fees paid as a small entity and an executed oath or declaration, (2) the small entity petition fee of $750, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the Notice of August 30, 2006 is accepted as being unintentionally delayed.

The rule at 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

This application is being referred to the Office of Initial Patent Examination for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

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AUZVILLE JACKSON, JR.
8652 RIO GRANDE ROAD
RICHMOND VA 23229

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OFFICE OF PETITIONS

In re Application of	:	
Jennifer L. Whitaker	:	
Application No. 11/503,876	:	DECISION ON PETITION
Filed: August 11, 2006	:	
Attorney Docket No. 1827(Whitaker)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 22, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to properly and timely reply to the final Office action mailed September 19, 2008. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on December 20, 2008. A Notice of Abandonment was mailed July 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 Request for Continued Examination (RCE) and fee of $405.00 and the submission required by 37 CFR 1.114 (previously submitted December 19, 2008); (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

The file is now being forwarded to Technology Center 3751 for processing of the Request for Continued Examination under 37 CFR 1.114 filed on December 19, 2008.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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NOV 23 2009

OFFICE OF PETITIONS

WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS MN 55402

In re Application of	:	
Wehrs	:	
Application No. 11/503,878	:	DECISION ON PETITION
Filing Date: August 14, 2006	:	PURSUANT TO
Attorney Docket No.: R11.12-0899	:	37 C.F.R. § 1.78(A)(3)
Title: FLOW MEASUREMENT DIAGNOSTICS	:	

This is a decision on the "PETITION TO CLAIM BENEIFT UNDER 35 USC. 120, 121 or 365(c) OF A PRIOR COPENDING NONPROVISIONAL APPLICATION OR INTERNATIONAL APPLICATION DESIGNATING THE UNITED STATES OF AMERICA (37 CFR § 1.78(a)(3)," filed on September 17, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed non-provisional application 10/801,073, set forth in an amendment to the specification that was filed concurrently with this petition. This petition is being treated as a petition pursuant to 37 C.F.R. § 1.78(a)(3).

This petition pursuant to 37 C.F.R. § 1.78(a)(3) is **DISMISSED**.

A petition for acceptance of a claim for late priority pursuant to 37 C.F.R. § 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. § 1.78(a)(2)(ii). In addition, the petition pursuant to 37 C.F.R. § 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2)(i) of the prior-filed applications, unless previously

submitted;

(2) the surcharge set forth in 37 C.F.R. § 1.17(t), and;

(3) a statement that the entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

37 C.F.R. § 1.78(a)(3)(iii) requires a statement that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of 37 C.F.R. § 1.78 and the date the claim was filed was unintentional. Since the statement contained in this petition varies slightly from the language required by 37 C.F.R. § 1.78(a)(3)(iii), the statement contained in this petition is being construed as the statement required by 37 C.F.R. § 1.78(a)(3)(iii), and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

Petitioner has included the petition fee, an amendment to the specification, and a statement that is being construed as the proper statement of unintentional delay. Nevertheless, it is noted that priority was claimed to prior-filed non-provisional application 10/801,073 on filing, however this benefit claim was removed via the filing of an amendment to the specification on February 27, 2007. MPEP § 201.11(III)(G) sets forth, in pertinent part:

> A cancellation of a benefit claim to a prior application may be considered as a showing that the applicant is intentionally waiving the benefit claim to the prior application in the instant application. If the applicant later files a petition to accept an unintentionally delayed claim to add the benefit claim to the prior application in the same application from which the benefit claim was canceled, the Office may refuse to accept such benefit claim because the delay was not unintentional.

Due to the fact that the benefit claim was previously removed via the filing of an amendment to the specification, <u>the record contains evidence which strongly suggests that Petitioner intentionally waived the benefit claim to the prior application in the instant application</u>. As a consequence of the apparent intentional removal of this benefit claim, the record does not support a finding that the delay in submitting this claim was unintentional, and this petition cannot be granted.

Additionally, the late claim for priority pursuant to 35 U.S.C. § 120 cannot be accepted, as application numbers 11/503,878 and 10/801,073 do not share a common inventor. 35 U.S.C. § 120 indicates, *in pertinent part*:

> An application for patent for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in an application previously filed in the United States, or as provided by section 363 of this title, which is filed by an inventor or inventors named in the previously filed application (emphasis added) shall have the same effect, as to such invention, as though filed on the date of the prior application, if filed before the patenting or abandonment of or termination of proceedings on the first application or on an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application.

The portion of the text emphasized above makes it clear that there must be a common inventor between the applications listed in the benefit claim. This priority claim cannot be accepted, as application number 10/503,878 lists Mr. Wehrs as the sole inventive entity, whereas application number 10/801,073 lists Messrs. Eryurek and Kavaklioglu as the inventive entities. Hence, there is no common inventor between these two applications.

If reconsideration of this decision is desired, a renewed petition pursuant to 37 C.F.R. § 1.78(a)(3) is required.

Any renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[1] hand-delivery,[2] or facsimile.[3] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[4]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the deciding official.

---

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300- please note this is a central facsimile number.
4 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.[5] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Anthony Knight
Supervisor
Office of Petitions

5 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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POWER3 MEDICAL PRODUCTS, INC.
3400 RESEARCH FOREST DRIVE
THE WOODLANDS TX 77381

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OFFICE OF PETITIONS

In re Application of :
Goldknopf et al. :
Application No. 11/503,881 : DECISION ON PETITION
Filed: August 14, 2006 :
Title: Assay For Differentiating Alzheimer's :
and Alzheimer's-Like Disorders

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 22, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed November 10, 2008, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 11, 2008. A Notice of Abandonment was mailed June 3, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a response to the Restriction Requirement, (2) the petition fee of $810.00 and (3) a proper statement of unintentional delay.

Further, 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

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.

Additionally, petitioner's request for change of power of attorney is not accepted as petitioner has not fully complied with 37 CFR 3.73(b). 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment submitted for recording) or by specifying (*e.g.*, reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office. As to item (2) listed above, petitioner has failed to include the proper Reel and Frame information.

Further, when an assignee seeks to take action in a matter before the Office with respect to a patent application, patent, or reexamination proceeding and the right, title, and interest therein is held by more than one assignee, each partial assignee must provide a submission under 37 CFR 3.73(b). In each submission, the extent of each assignee's interest must be set forth so that the Office can determine whether it has obtained action by the entirety of the right, title and interest holders (owners), 37 CFR 3.73(c)(2). If the extent of the partial assignee's ownership interest is not set forth in the submission under 37 CFR 3.73(b), the Office may refuse to accept the submission as an establishment of ownership interest. A review of USPTO assignment records indicates the above-identified application has more than one assignee.

The address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 1649 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Benjamin Aaron Adler
Adler & Associates
8011 Candle Lane
Houston TX 77071

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MANELLI DENISON & SELTER PLLC
7th Floor
2000 M Street, N.W.
Washington, DC 20036-3307

Mail Date: 04/21/2010

Applicant	: Jon Croy	: DECISION ON REQUEST FOR
Patent Number	: 7626951	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/503,908	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **12** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Gowling Lafleur Henderson LLP
Suite 1600, 1 First Canadian Place
100 King Street West
Toronto, ON M5X 1G5
CANADA

Mail Date: 05/04/2010

Applicant	: William Wright	: DECISION ON REQUEST FOR
Patent Number	: 7609257	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/503,921	: OF WYETH
Filed	: 08/15/2006	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Kelley Drye & Warren LLP
3050 K Street, NW
Suite 400
Washington, DC 20007

COPY MAILED

MAY 29 2008

OFFICE OF PETITIONS

In re Application of	:	
Hugh H. Trout III	:	
Application No. 11/503,922	:	DECISION ON PETITION
Filed: August 15, 2006	:	TO WITHDRAW
Attorney Docket No. 23660-00667	:	FROM RECORD

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 **APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by John N. Coulby 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 Hugh H. Trout, III, M.D. 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: Hugh H. Trout, III, M.D.
8218 Wisconsin Avenue, Suite 204
Bethesda, MD 20814

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/503,922	08/15/2006	Hugh H. Trout III	23660-00667

CONFIRMATION NO. 2985

POWER OF ATTORNEY NOTICE

25243
KELLEY DRYE & WARREN LLP
3050 K STREET, NW
SUITE 400
WASHINGTON, DC 20007

OC000000030009849

Date Mailed: 05/19/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/18/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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UNITED STATES PATENT AND TRADEMARK OFFICE
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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

COPY MAILED

SEP 26 2007

OFFICE OF PETITIONS

In re Application of	:	
Suzuki, et al.	:	
Application No. 11/503,926	:	DECISION ON PETITION
Filed: August 15, 2006	:	
Docket No.: 062902	:	

This is a decision on the petition under 37 CFR 1.181, filed August 29, 2007, to withdraw the holding of abandonment.

The application was held abandoned for failure to timely submit a proper reply to the Notice of Allowability mailed April 27, 2007. The Notice required corrected drawings and set a three month statutory period of time for reply. Notice of Abandonment was mailed August 23, 2007.

Petitioner asserts that the corrected drawings were submitted April 24, 2007 in response to an Examiner's Interview held April 24, 2007. Further, the corrected drawings crossed in the mail with the Notice of Allowability mailed April 27, 2007.

In view of the evidence presented, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

The application file is being forwarded to the Office of Patent Publication for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at 571-272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/503,981	08/15/2006	Hwa-seok Seong	51465	2850

7590 03/06/2009
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
03/06/2009	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

Adjustment date: 03/06/2009 BPOWELL
08/16/2006 ZJUHAR1 00000043 11503981
02 FC:1111 -500.00 OP

Replin. Ref: 03/06/2009 BPOWELL 0011184200
DAA#:150461 Name/Number:11605215
FC: 9204 $500.00 CR

FORM PET651G (Rev. 08/07)

Regln. Ref: 03/06/2009 BPOWELL 0011503900
DAA:182220 Name/Number:11503981
FC: 9204 $500.00 CR

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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

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AUG 1 8 2008

In re Application of	:	
BASALY, Mores	:	
Application No. 11/504,014	:	DECISION ON PETITION
Filed: August 15, 2006	:	TO WITHDRAW
Attorney Docket No. **HMF1**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 24, 2008.

The request is not approved because it is **moot**.

A review of the file record indicates that the power of attorney to MORGAN LEWIS & BOCKIUS has been revoked by the assignee of the patent application on August 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 Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **HOWSON AND HOWSON**
SUITE 210
501 OFFICE CENTER DRIVE
FT WASHINGTON PA 19034

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Mail Date: 04/21/2010

Applicant	: Hoshin Moon	: DECISION ON REQUEST FOR
Patent Number	: 7657114	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/504,041	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **780** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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SAP / FINNEGAN, HENDERSON LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Mail Date: 04/23/2010

Applicant	: Jan Krieg	: DECISION ON REQUEST FOR
Patent Number	: 7610292	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/504,054	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

10/27/09

In re Application of	:	
KONDO, SHINYA	:	DECISION ON REQUEST TO
Application No. 11/504,057	:	PARTICIPATE IN PATENT
Filed: Aug. 16, 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. 128892	:	PILOT PROGRAM AND PETITION
For: SECONDARY AIR SUPPLY SYSTEM AND ABNORMALITY DETECTION METHOD FOR SECONDARY AIR SUPPLY SYSTEM	:	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 Sep. 14, 2009, to make the above-identified application special.

The request and petition are **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 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 met all conditions except Item #4 above. While the petition filed on September 15, 2009 was in process for consideration, the examiner has issued an Office action on the merits on September 15, 2009 and October 7, 2009. Therefore, the petition cannot be granted.

The IDS listing the documents cited by the JPO examiner in the JPO office along with copies of documents filed on September 15, 2009 has been considered by the examiner in the Office action of October 7, 2009. However, the preliminary amendment filed on September 14, 2009 has been entered and treated on the merits.

Any inquiry regarding this decision should be directed to Henry Yuen, Special Program Examiner, at (571) 272-4856. All other inquiries concerning the examination or status of the application should be directed to Examiner Robert Watson at 571-272-4498.

The petition is dismissed as moot.

Henry C. Yuen
Special Programs Examiner
Technology Center 3700

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GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
BLDG. K1-3A59
NISKAYUNA, NY 12309

Mail Date: 06/08/2010

Applicant	: Kelly Scott Chichak	: DECISION ON REQUEST FOR
Patent Number	: 7652151	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/504,084	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **545** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/504,087	08/15/2006	Yuji Ishimura	295096US8	2778

7590 08/26/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
SOUGH, HYUNG SUB

ART UNIT	PAPER NUMBER
2194	

NOTIFICATION DATE	DELIVERY MODE
08/26/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
08/27/2009 0030073742

Credit Card Refund Total: $700.00

Acct Exp..: XXXXXXXXXXX1001

Adjustment date: 08/27/2009 NFARMER
08/16/2006 EAYALEW1 00000048 11504087
02 FC:1111 -500.00 OP
04 FC:1201 -200.00 OP

FORM PET651G (Rev. 08/07)

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE WA 98104

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MAR 1 2 2009

OFFICE OF PETITIONS

In re Application of :
Aloys Wobben :
Application No. 11/504,118 :
Filed: August 14, 2006 :
Attorney Docket No. 970054.506C1 :

DECISION GRANTING PETITION

This is regarding the petition under 37 CFR 1.10(d) filed February 2, 2009, to accord the application a filing date of August 14, 2006.

The petition is **granted**.

The record reflects that the subject application arrived at the Patent and Trademark Office in an Express Mail envelope with Express Mail label EV447227927US showing a date-in of August 16, 2006. Petitioner filed the instant petition on February 2, 2009, asserting that the application should have been accorded a filing date of August 14, 2006, as that was date the application was deposited with the Express Mail service[1].

Title 37, Section 1.10(d) of the Code of Federal Regulations reads, in pertinent part:

> 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 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 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 within one business day of the deposit of the correspondence in the Express Mail Post Office to Addressee service of the USPS.

[1] It is noted that the first request to correct the filing date was made on November 14, 2006. Petitioner did not receive a response from the USPTO until a letter mailed December 8, 2008.

All of the above requirements have been met. The application will, therefore, be accorded a filing date of August 14, 2006.

The application file is being directed to the Office of Patent Application Processing where the application will be accorded a filing date of August 14, 2006, and a corrected filing receipt mailed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4-26-08

TO SPE OF : **Technology Center** 2855 11/504138

SUBJECT : Request for Certificate of Correction on Patent No.: 7313964 B2

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Elisha Evans
Certificates of Correction Branch
Tel. No. 703-308-9390 EXT 110

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 2855 **Art Unit**

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CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM MI 48009

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AUG 1 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Homby et al.	:	
Application No. 11/504,148	:	ON PETITION
Filed: August 15, 2006	:	
Attorney Docket No. 2005P14783US01	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 26, 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 an Amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed solely to the address currently of record until such time as appropriate instructions are received to the contrary.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center 3748 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

cc:

GARY H. MONKA
CANAVAN & MONKA LLC
62 GROVE STREET
SOMERVILLE, NJ 08876

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P.O. DRAWER 800889
DALLAS, TX 75380

Mail Date: 06/02/2010

Applicant	: Eran Pisek	: DECISION ON REQUEST FOR
Patent Number	: 7627802	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/504,158	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **778** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

Mail Date: 04/21/2010

Applicant	: Pascal Turuani	: DECISION ON REQUEST FOR
Patent Number	: 7591581	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/504,164	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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OCT 2 3 2007

OFFICE OF PETITIONS

John H. Faro, Esq.
FARO & ASSOCIATES
Suite 100
44 West Flagler St.
Miami, FL 33130

In re Application of Rosas :
Application No. 11/504,201 : Decision on Petition
Filing Date: August 15, 2006 :
For: Power Generation System :

This is a decision on the petition under 37 CFR 1.137(b), filed July 10, 2007, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to reply to the Notice to File Corrected Application Papers mailed September 1, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on November 2, 2006. A Notice of Abandonment was mailed on May 10, 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 September 1, 2006 Notice in the form of corrected drawings. 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.

Since petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b), the petition is granted and the application is revived.

The Office of Patent Application Processing will be informed of the instant decision and will take steps to prepare the application for examination in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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JOHN H. FARO, ESQ.
FARO & ASSOCIATES
SUITE 1100
44 WEST FLAGLER STREET
MIAMI FL 33130

COPY MAILED

OCT 12 2007

OFFICE OF PETITIONS

In re Application of :
Segura :
Application No. 11/504,202 : ON PETITION
Filed: August 15, 2006 :
Attorney Docket No. N/A :
For: CEMETERY MEMORIAL WITH INTEGRATED FLOWER VASE

This is a decision on the petition under 37 CFR 1.137(b), filed July 10, 2007, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to timely reply to the Notice to File Corrected Application Papers, mailed August 31, 2006, which set a two month shortened statutory period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on November 1, 2006.

Applicant has submitted a proper reply to the August 31, 2006 Notice in the form of replacement drawings, an acceptable statement of the unintentional nature of the delay in responding to the August 31, 2006 Notice, and the $750.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

The statement of unintentional delay presented in the petition does not comply with the current rule. 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" be submitted. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

After the mailing of this decision, the file will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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Synnestvedt & Lechner, LLP
2600 Aramark Tower
1101 Market Street
Philadelphia, PA 19107-2950

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OCT 1 3 2006
OFFICE OF PETITIONS

In re Application of	:	
Henry R. Dunlap	:	
Application No. 11/504,235	:	DECISION ON PETITION
Filed: August 15, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 30658-A USA	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 15, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant declaring that he is 65 yeas 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 2881 for action on the merits commensurate with this decision.

Hana C. Walsh for
Amelia Au
Petitions Examiner
Office of Petitions

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WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

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CANCELLED

In re Application of

LEE, Jin P.
Application No. 11/504,238
Filed: August 14, 2006
Attorney Docket No. **532812000101**

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 15, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Peng Chen on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Jin P. Lee at the address indicated below.

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: **JIN PO LEE**
7348 MELODIA TERRACE
CARLSBAD, CA 92009

cc: **DR. JIN PO LEE**
2774 LOKER AVENUE WEST
CARLSBAD, CA 92008-6610

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/504,238	08/14/2006	Jin Po Lee	532812000101

CONFIRMATION NO. 3546

OC000000023045196

25225
MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

Date Mailed: 03/22/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/15/2006.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Michelle R. Easer

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

FORMER ATTORNEY/AGENT COPY

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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
11/504,255	08/15/2006	2811	1000	9319I-001826	25	13	3

CONFIRMATION NO. 3580

CORRECTED FILING RECEIPT

OC000000020832691

27572
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

Date Mailed: 10/13/2006

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)

Koji Ohashi, Chino, JAPAN;
Setsuya Iwashita, Nirasaki, JAPAN;
Takeshi Kijima, Matsumoto, JAPAN;
Yasuaki Hamada, 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 2005-235809 08/16/2005
If Required, Foreign Filing License Granted: 08/29/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/504,255

Projected Publication Date: 02/22/2007

Non-Publication Request: No

Early Publication Request: No

Title

Insulating target material, method of manufacturing insulating target material, conductive complex oxide film, and device

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

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier

license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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BUSKOP LAW GROUP, P.C.
1776 YORKTOWN, SUITE 550
HOUSTON TX 77056

In re Application of	:	
RHYNE, et al.	:	
Application No. 11/504,265	:	DECISION ON PETITION
Filed: August 15, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1490.02	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 15, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes the driver's license of Prentiss Lee Rhyne, 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 2851 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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BRINKS HOFER GILSON & LIONE
CAPITAL CENTER, SUITE 1100
201 NORTH ILLINOIS STREET
INDIANAPOLIS, IN 46204-4220

Mail Date: 04/21/2010

Applicant	: Adam P.S. Stowitts	: DECISION ON REQUEST FOR
Patent Number	: 7581654	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/504,268	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/504,271	08/15/2006	3738	1000	5490E-000487	20	20	2

CONFIRMATION NO. 3714

CORRECTED FILING RECEIPT

OC000000020570574

Harness, Dickey & Pierce, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303

Date Mailed: 09/25/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Mark S. Myerson, Baltimore, MD;
Paul J. D'Antonio, Morristown, NJ;
Lisa C. Thompson, Riegelsville, PA;
John Sharobiem, Freehold, NJ;

Assignment For Published Patent Application

EBI, L.P., Parsippany, NJ

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/707,820 08/12/2005 *
(*)Data provided by applicant is not consistent with PTO records.

Foreign Applications

If Required, Foreign Filing License Granted: 08/31/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/504,271

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Foot/ankle implant and associated method

Preliminary Class

623

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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SCHIFF HARDIN, LLP
PATENT DEPARTMENT
6600 SEARS TOWER
CHICAGO IL 60606-6473

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FEB 28 2007

OFFICE OF PETITIONS

In re Application of :
Michael A. Baker et al. :
Application No. 11/504,305 : ON PETITION
Filed: August 14, 2006 :
Attorney Docket No. P05,0342,-01 :

This is a decision on the petition under 37 CFR 1.10 (c) filed December 4, 2006 to correct the filing date to August 14, 2006, rather than the presently accorded filing date of August 15, 2006.

Petitioner alleges that the application was deposited in Express Mail service on August 14, 2006. In support, petitioner supplies a copy of Express Mail Label No. EV635788236US (the same Express Mail number found on the transmittal sheet accompanying the original application papers located in the official file). The "date-in" on the Express Mail Label is August 14, 2006. Additionally, petitioners have provided a copy of a the tracking report printed from the USPS Internet Track & Confirm and database which shows that a mailing bearing Express Mail Label No. EV635788236US was accepted and "Enroute" on August 14, 2006.

In view of the above, the petition is **GRANTED** and since no fee is due, none will be charged to petitioner's deposit account.

The application is being forwarded to the Office of Initial Patent Examination for correction of the **filing date to August 14, 2006** and for issuance of a corrected filing receipt.

Telephone inquiries related to this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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James P. Broder
Roeder & Broder LLP
9915 Mira Mesa Blvd. Suite 300
San Diego, CA 92131

Mail Date: 04/21/2010

Applicant	: Kalika N. Yap	: DECISION ON REQUEST FOR
Patent Number	: 7644900	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/504,328	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **122** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

571-270-9892

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 4/30/08

Paper No.: —

TO SPE OF : ART UNIT 1661

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/504333 Patent No: PP18466 P2

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within **7** days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within **7** days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

VIRGINIA TOLBERT
Certificates of Correction Branch
~~703-308-9390 ext. 113~~
571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

SPE

1661
Art Unit

~~571-270-9492~~

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 4/30/08

TO SPE OF : ART UNIT 1661

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/504333 Patent No: PP18466 P2

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within 7 days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within 7 days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

VIRGINIA TOLBERT
Certificates of Correction Branch
~~703-308-9390 ext. 113~~
571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes do not apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

SPE

1661
Art Unit

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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NUTTER MCCLENNEN & FISH LLP
WORLD TRADE CENTER WEST
155 SEAPORT BOULEVARD
BOSTON, MA 02210-2604

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OFFICE OF PETITIONS

In re Application of :
Jeffrey M. Arnold et al :
Application No. 11/504,354 : ON PETITION
Filed: August 15, 2006 :
Attorney Docket No. 101327-188 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 7, 2008, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of April 21, 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). Three-month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is October 22, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810 and the submission required by 37 CFR 1.114; (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This application is being referred to Technology Center AU 3769 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Irvin Dingle
Petition Examiner
Office of Petitions

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VARIAN SEMICONDUCTOR EQUIPMENT ASSC., INC.
35 DORY RD.
GLOUCESTER, MA 01930-2297

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OFFICE OF PETITIONS

In re Application of	:	
Hatem et al.	:	
Application No. 11/504,355	:	ON PETITION
Filed: August 15, 2006	:	
Attorney Docket No. VSEA 2005-064-1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 28, 2009, to revive the above-identified application.

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Nathaniel Lucek appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, January 12, 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 13, 2009. A Notice of Abandonment was mailed August 5, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment , (2) the petition fee of $1,620, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center 2823 for further examination on the merits.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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STEVEN A BENNER
1501 NW 68TH TERRACE
GAINESVILLE FL 32605-4147

MAILED

JUN 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Steven A. BENNER	:	
Application No. 11/504,356	:	DECISION ON PETITION
Filed: August 15, 2006	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 13, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before March 12, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed December 12, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 13, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755.00, (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay. Accordingly, the issue fee payment is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

This application is being referred to Office of Data Management.

Michelle R. Eason

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PATENT DOCKET ANDMINSTRATOR
LOWENSTEIN SANDLER PC
65 LIVINGSTON AVENUE
ROSELAND NJ 07068

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OFFICE OF PETITIONS

In re Application of :
Brent Saunders :
Application No. 11/504,365 :
Filed: August 14, 2006 :
Attorney Docket No. S1969-124 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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MENDELSOHN, DRUCKER, & ASSOCIATES, P.C.
1500 JOHN F. KENNEDY BLVD., SUITE 405
PHILADELPHIA, PA 19102

Mail Date: 05/18/2010

Applicant	: Luis De La Torre	: DECISION ON REQUEST FOR
Patent Number	: 7626837	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/504,377	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 05/06/2010

Applicant	: Joe R. Trogolo	: DECISION ON REQUEST FOR
Patent Number	: 7615425	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/504,412	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **405** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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EMC CORPORATION
OFFICE OF THE GENERAL COUNSEL
176 SOUTH STREET
HOPKINTON, MA 01748

Mail Date: 04/21/2010

Applicant	: Douglas E. LeCrone	: DECISION ON REQUEST FOR
Patent Number	: 7607037	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/504,423	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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BROOKS & CAMERON, PLLC
1221 NICOLLET AVENUE
SUITE 500
MINNEAPOLIS MN 55304

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OFFICE OF PETITIONS

In re Application of	:	
Christian M. Boemler	:	
Application No. 11/504,433	:	DECISION REFUSING STATUS
Filed: August 15, 2006	:	UNDER 37 CFR 1.47(b)
Title: Multilevel Driver	:	

This is in response to the petition under 37 C.F.R. § 1.47(b), filed November 3, 2006.

The petition under 37 C.F.R. § 1.47(b) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 C.F.R. § 1.136(a).

The above-identified application was filed on August 15, 2006, without an executed oath or declaration. Accordingly, on August 31, 2006, the Office mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration and a surcharge for its late filing. This Notice set a two-month period for reply. In reply, applicant filed the instant petition on November 3, 2006, made timely by including a Certificate of Mailing dated October 31, 2006.

A grantable petition under 37 C.F.R. § 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 37 C.F.R. § 1.63; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor; (5) proof that the Rule 47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application; and (6) proof of irreparable damage. The instant petition does not satisfy requirements (2), (5) or (6).

As to requirement (2), Rule 47 applicant has not submitted a proper oath or declaration. On renewed petition, applicant must submit an oath or declaration in compliance with 37 C.F.R. § 1.63. As set forth 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." The title or position of the person signing must be stated if signing on behalf of a corporation. A corporation may authorize any person, including a registered attorney or agent, to sign the oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, proof of the attorney's or agent's authority in the form of a statement signed by the appropriate corporate officer must be submitted, or the attorney or agent can simply state that he or she is authorized to sign on behalf of the corporation.

As to requirement (5), applicant has not shown a sufficient proprietary interest with respect to the nonsigning inventor. Rule 47 applicant has submitted a copy of an affidavit, affirming that the non-signing inventor has executed an assignment. However, Rule 47 applicant has not supplied a copy of that assignment.

If applicant can not show a sufficient proprietary interest by supplying a copy of the assignment for the above-identified application (or a copy of an agreement to assign, e.g. an employment agreement), a proprietary interest "may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant."[1]

MPEP 409.03(f).

As to requirement (6), this requirement may be met by a statement that a filing date is necessary to preserve the rights of the party or to prevent irreparable damage.[2]

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

[2] See MPEP 409.03(g).

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BROOKS & CAMERON PLLC
1221 NICOLLET AVENUE
SUITE 500
MINNEAPOLIS MN 55304

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OFFICE OF PETITIONS

In re Application of Christian M. Boemler Application No. 11/504,433 Filed: August 15, 2006 Title: Multilevel Driver	: : : : :	DECISION ACCORDING STATUS UNDER 37 CFR 1.47(b)

This is in response to the renewed petition under 37 C.F.R. § 1.47(b), filed January 31, 2007.

The petition under 37 C.F.R. § 1.47(b) is **GRANTED**.

The above-identified application was filed on August 15, 2006, without an executed oath or declaration. Accordingly, on August 31, 2006, the Office mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration and a surcharge for its late filing. This Notice set a two-month period for reply. In reply, applicant filed a petition under 37 CFR 1.47(b) on November 3, 2006, made timely by including a Certificate of Mailing dated October 31, 2006. However, the petition was dismissed in a decision mailed on December 28, 2006.

The petition and declaration have been reviewed and determined to be in compliance with 37 CFR 1.47(b).

The application is hereby accorded Rule 47 status.

As provided in 37 CFR 1.47(c), the Office will provide notice of this application's filing to the non-signing inventor at the last known address provided in the petition. Notice will also be provided in the Official Gazette.

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.

Cliff Congo
Petitions Attorney
Office of Petitions

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CHRISTIAN M BOEMLER
14498 CAMDEN LN
LAKE OSWEGO OR 97035

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OFFICE OF PETITIONS

In re Application of Christian M. Boemler Application No. 11/504,433 Filed: August 15, 2006 Title: Multilevel Driver	:	LETTER

Dear Mr. Boemler:

You are named as the sole 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(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As the named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, 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

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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FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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FEB 28 2008

In re Application of	:	
Otake, et al.	:	
Application No. 11/504,443	:	DECISION GRANTING PETITION
Filed: August 14, 2006	:	
Attorney Docket No. 14225-108001	:	

This is regarding the "Request for Corrected Official Filing Receipt and Submission of Copy of Express Mail Label under 37 CFR 1.10" filed November 29, 2006, which will be treated as petition under 37 CFR 1.10 to accord the application a filing date of August 14, 2006.

The petition is **granted**.

The record reflects that the subject application arrived at the Patent and Trademark Office in an Express Mail envelope with Express Mail label EV915265525US showing a date-in of August 11, 2006. Petitioner filed the instant petition on November 29, 2006, asserting that the application should have been accorded a filing date of August 14, 2006, as that was date the application was deposited with the Express Mail service.

Title 37, Section 1.10(d) of the Code of Federal Regulations reads, in pertinent part:

> 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 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 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 within one business day of the deposit of the correspondence in the Express Mail Post Office to Addressee service of the USPS.

All of the above requirements have been met. The application will, therefore, be accorded a filing date of August 14, 2006.

The application file is being directed to the Office of Patent Application Processing where the application will be accorded a filing date of August 14, 2006, and a corrected filing receipt mailed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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EXXONMOBIL CHEMICAL COMPANY
5200 BAYWAY DRIVE
P.O. BOX 2149
BAYTOWN, TX 77522-2149

MAILED
JUN 21 2010
OFFICE OF PETITIONS

In re Application of
Bryan R. Chapman, et al.
Application No. 11/504,447
Filed: August 15, 2006
Attorney Docket No. 2006EM065

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(3) AND (a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(3) and 37 CFR 1.78(a)(6), filed April 9, 2010 and supplemented May 14, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed provisional and nonprovisional applications set forth in the amendment filed May 14, 2010.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) and 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)(2)(ii) and 37 CFR 1.78(a)(5)(ii). In addition, the petition under 37 CFR 1.78(a)(3) and 37 CFR 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) and 37 CFR 1.78(a)(5)(ii) 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 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.

Also, 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) require 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. Since the statement appearing in the petition varies from the required language, the

statement is being construed as the statement required by 37 CFR §§1.78(a)(3) and 1.78(a))(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed 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 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.

This application is being forwarded to Technology Center Art Unit 1796 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.

/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
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/504,447	08/15/2006	1796	7730	2006EM065	142	1

CONFIRMATION NO. 3306

CORRECTED FILING RECEIPT

23455
EXXONMOBIL CHEMICAL COMPANY
5200 BAYWAY DRIVE
P.O. BOX 2149
BAYTOWN, TX 77522-2149

OC000000042125243

Date Mailed: 06/16/2010

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)

Bryan R. Chapman, Annandale, NJ;
Jeffrey Valentage, Royal Oak, MI;
Jared M. Hill, Brighton, MI;
Bruce R. Lundmark, Waller, TX;

Power of Attorney: The patent practitioners associated with Customer Number 23455

Domestic Priority data as claimed by applicant

This application is a CIP of 10/782,228 02/19/2004 PAT 7,531,594
which is a CIP of 10/640,435 08/12/2003 PAT 7,619,026
which claims benefit of 60/402,665 08/12/2002
and is a CIP of 10/634,351 08/04/2003 PAT 7,632,887
which claims benefit of 60/402,665 08/12/2002

Foreign Applications

If Required, Foreign Filing License Granted: 08/30/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/504,447**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Plasticized hetero-phase polyolefin blends

Preliminary Class

524

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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MORRISON & FOERSTER LLP
425 MARKET STREEET
SAN FRANCISCO CA 94105-2482

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OFFICE OF PETITIONS

In re Application of	:	
Koenig et al.	:	DECISION ON PETITION
Application No. 11/504,471	:	TO WITHDRAW
Filed: August 14, 2006	:	FROM RECORD
Attorney Docket No. 10029-2000100	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 3, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on April 7, 2009 the power of attorney to Morrison & Foerster 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: Mauriel Kapouytian & Treffert LLP
151 1st Avenue
#23
New York NY 10003

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FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK NY 10038

In re Application of	:	
Steven Davis et al.	:	
Application No. 11/504,473	:	DECISION ON PETITION
Filed: August 14, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 20114/00401	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 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 **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition does not include 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.

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 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 3624 for action in its regular turn.

David Bucci
Petitions Examiner
Office of Petitions

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FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK NY 10038

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OFFICE OF PETITIONS

In re Application of	:	
Steven Davis et al.	:	
Application No. 11/504,473	:	DECISION ON PETITION
Filed: August 14, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 20114/00401	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 22, 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 applicants birth certificate proving that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3624 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Eugene Hoffmann
1220 Fairway Greens Drive
Sun City FL 33573

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JAN 19 2007

OFFICE OF PETITIONS

In re Application of	:	
Hoffman et al.	:	
Application No. 11/504,474	:	DECISION ON PETITION
Filed: August 14, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)-(1) & (2)
	:	

This is a decision on the petition under 37 CFR 1.102(c)-(1) & (2), filed December 5, 2006, that is an amended submission of the petition filed August 14, 2006, to make the above-identified application special based on (a) applicant's age as set forth in M.P.E.P. § 708.02, Section IV and (b) material contribution to Environmental Quality 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)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

A 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 does not include an acceptable signature of the petitioner(s) and as such has not been considered further on the merits.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents

P. O. Box 1450
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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 3749 for action in its regular turn.

David Bucci
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

Eugene Hoffmann
1220 Fairway Greens Drive
Sun City FL 33573

In re Application of	:	
Hoffman et al.	:	
Application No. 11/504,474	:	DECISION ON PETITION
Filed: August 14, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 24, 2007, that is an amended submission of the petition filed December 5, 2006, to make the above-identified application special based on (a) applicant's age as set forth in M.P.E.P. § 708.02, Section IV or (b) 37 CFR 1.102(c)(2)(i) for material contribution to Environmental Quality.

The petition under 37 CFR 1.102(c)(1) 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 applicants that each is older than 65 years. Accordingly, the above-identified application has been accorded "special" status.

The petition filed under 37 CFR 1.102(c)(2)(i) alleging material contribution to Environmental Quality is **DISMISSED as moot**.

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 3749 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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David E Lund
115 Cashire Drive
Heartford NC 27944

11/14/08

In re Application of:
HOFFMANN, EUGENE J. et al
Serial No.: 11/504,474
Filed: Aug. 14, 2006
Docket: 4L091-010
Title: TROPICAL HURRICANE CONTROL SYSTEM

DECISION ON PETITION

This is a decision on the Petition for Suspension of Action received on Oct. 31, 2008, seeking to suspend action on the above-identified application for a period of six months. This petition is being considered pursuant to 37 CFR § 1.103(a)[1]. The requisite petition fee under 37 CFR § 1.17(g) was paid.

The petition is dismissed.

The record shows that:

1) On May 23, 2008, the examiner issued a non-final Office action.
2) On Oct. 16, 2008, the applicant filed a response to the first Office action.
3) On Oct. 31, 2008, the applicant filed the current petition to request a suspension of action for six months under 37 CFR § 1.103(a).

In the petition, the applicant alleges that the applicant needs to conduct a laboratory test to overcome the rejections under 35 USC 101 and 35 USC 112. The applicant believes that this test constitutes good and sufficient cause to justify a six-month suspension of action.

The reason for a six-month suspension of action is not convincing and could not justify a six-month delay in prosecution. The Office must balance the burden of timely examinations and needs of the public to know which claims it faces with the needs of applicants in pursuing claims which reflect the scope to which they are entitled. Applicant has failed to outline where he/she

[1] 37 CFR 1.103. Suspension of action by the Office. (a) Suspension for cause . On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include: (1) A showing of good and sufficient cause for suspension of action; and (2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office.

presently stands in the laboratory test to show and prove the claimed process is operable. In particular, the applicant requests six months of suspension to conduct the test to show sufficient evidence and reasoning to permit a person of ordinary skill in the art to understand that by dispersing super coolant into the eye of the cyclone will in fact disrupt the formed or forming tropical cyclone and thereby convert it to a tropical rainstorm. However, petitioner also failed to establish why, in particular, a six-month suspension of action will advance the prosecution of the application. Accordingly, applicant has failed to establish good and sufficient reasons to delay the prosecution. Therefore, the application remains in active status and being returned to the examiner for consideration of the applicant's response to the outstanding Office action mailed May 23, 2008.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3752 for consideration of the amendment filed on Oct. 16, 2008. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED.

Karen M. Young

Karen M. Young, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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CONLEY ROSE, P.C.
DAVID A. ROSE
P. O. BOX 3267
HOUSTON, TX 77253-3267

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OFFICE OF PETITIONS

In re Application of	:	
Edward E. **HORTON III, et al.**	:	
Application No. 11/504,475	:	DECISION ON PETITION
Filed: February 2, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

CORRECTED COPY

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 15, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the driver's license of inventor Edward E. Horton III, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-3600.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the Technology Center AU 3675 for action on the merits commensurate with this decision.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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BUSKOP LAW GROUP, P.C.
1776 YORKTOWN
SUITE 550
HOUSTON TX 77056

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NOV 0 1 2006

OFFICE OF PETITIONS

In re Application of	:	
HORTON III, et al.	:	
Application No. 11/504,476	:	DECISION ON PETITION
Filed: August 15, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1507.001	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 15, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The evidence submitted with the instant petition is a copy of Mr. Horton's Texas Driver License 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 3673 for action on the merits commensurate with this decision.

PVolpe

Patricia Volpe
Petitions Examiner
Office of Petitions

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Edward E. Horton III and James V. Maher

Atty Dckt No: 1507.001

Serial No.: Not Assigned

Group Art Unit: Not Assigned

Filed: Concurrently Herewith

Examiner: Not Assigned

For: FLOATING OFFSHORE DRILLING/PRODUCING STRUCTURE

BOX AMENDMENT – PETITION TO MAKE SPECIAL
Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231

ATTENTION: Group Director, Group 3617 (MPEP §1002.02 (c))

PETITION TO MAKE AN APPLICATION SPECIAL
UNDER 37 CFR 1.102(c)

Honorable Commissioner:

Applicants hereby petition pursuant to 37 CFR 1.102(c) to accord "special status" to the above-identified application for the reasons set forth in the accompanying declaration.

37 CFR 1.102(c): A petition to make an application special may be filed without a fee if the basis for the petition is the applicant's age or health or that the invention will materially enhance the quality of the environment or materially contribute to the development of conservation of energy resources.

One of the inventors in the above-identified application is of an age to accord "special status" to the application. In support, Applicants show as follows:

SUPPORT

Applicant **Edward Everett Horton III**, joint inventor in the above-identified application, was born on November 13, 1927 and is over 65 years of age as evidenced by the attached copy of his driver's license.

CONCLUSION

For the reasons stated above, Applicants request that the Petition to Make Special be granted and that the Application be examined on an expedited basis.

Respectfully submitted,

Wendy Buskop

August 15, 2006
Date

Wendy Buskop
Patent Attorney
Reg. No. 32, 202

Please mail correspondence to:

Wendy K. Buskop
Buskop Law Group, P.C.
1776 Yorktown St., Suite 550
Houston, Texas 77056
713.403.7411

Encl – Copy of Edward Everett Horton III's driver license.

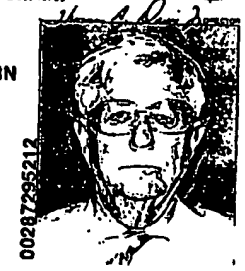
Best Available Copy

TEXAS

DEPARTMENT OF PUBLIC SAFETY
DRIVER LICENSE

CLASS: C
DOB: 11-13-27
EXPIRES: 11-13-06
REST: A
END:

DL: 17714659
HT: 6-01
EYES: BRN
SEX: M



HORTON,EDWARD EVERETT
6114 CRAB ORCHARD
HOUSTON TX 77057

00287295212

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VAN DYKE, GARDNER, LINN & BURKHART, LLP
2851 CHARLEVOIX DRIVE SE, SUITE 207
GRAND RAPIDS, MI 49546

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FEB 06 2009

OFFICE OF PETITIONS

In re Application of	:	
David H. **COTTER, et al.**	:	
Application No. 11/504,509	:	DECISION GRANTING PETITION
Filed: August 15, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **DEM04 P-100C**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 3, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 15, 2009 ***cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.***[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 3651 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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RAMIREZ & SMITH
P.O. BOX 2843
SPOKANE WA 99220-2843

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OFFICE OF PETITIONS

In re Application of :
DuGal :
Application No. 11/504,520 : ON PETITION
Deposited: August 15, 2006 :
Attorney Docket No. GE.0088 :
For: PROCESSES AND APPARATUS FOR IMAGING PROTOCOLS AND ANALYSIS

This is a decision on the petition under 37 CFR 1.53(e), filed October 3, 2006, requesting withdrawal of the Notice of Incomplete Nonprovisional Application, mailed August 31, 2006 and that the above-identified application be accorded a filing date of August 15, 2006.

The application was deposited on August 15, 2006. On October 3, 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 August 15, 2006 because the specification did not include at least one claim, as is required by 35 U.S.C. 112. The Notice required submission of an abstract, as well.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that the above-identified application be accorded a filing date of August 15, 2006 on the basis that several claims were received in the Patent and Trademark Office (PTO) on August 15, 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 August 15, 2006 as the date of receipt. The postcard lists, *inter alia*, that the filing included 56 pages of specification and 1 page of abstract.

The return postcard constitutes *prima facie* evidence that the items listed thereon were filed on August 15, 2006. MPEP 503. There are only 52 pages of specification present. The copy of pages 53-56 include claims. Accordingly, the request is granted.

Pursuant to petitioner's authorization, deposit account no. 07-0845 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 **August 15, 2006**, using the copy of the 4 pages of claims and the one page of abstract submitted with the instant petition.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON MA 02210

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FEB 18 2010

In re Application of :
Marc A. Bay :
Application Number: 11/504522 : ON PETITION
Filing Date: 08/15/2006 :
Attorney Docket Number: 192001-0003 :

This is a decision in response to the petition under 37 CFR 1.137(b)[1] filed on December 11, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on June 25, 2009, for failure to timely file a response to the non-final Office action mailed on March 24, 2009, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on November 23, 2009.

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Receipt of the amendment filed on December 11, 2009 is acknowledged.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[2] In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application is forwarded to Technology Center Art Unit 3765 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

---

[2] See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1208 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

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FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

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OFFICE OF PETITIONS

In re Patent of Zimmermann et al.
Patent No. 7,577,110
Issue Date: August 18, 2009
Application No. 11/504,536
Filing Date: August 11, 2006
Attorney Docket No. 06666-0253001/USC 3698

Letter Regarding
Patent Term Adjustment

This letter is in response to the "Letter Regarding Patent Term Adjustment" filed October 2, 2009. Pursuant to their duty of good faith and candor to the Office, patentees request the determination of patent term adjustment under 35 U.S.C. § 154(b) be reviewed for accuracy.

The request for review of the patent term adjustment is **GRANTED.**

The patent term adjustment indicated in the patent will be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of one hundred nine (109) days.

Patentees state the patent term adjustment on the patent "appears to be longer than appropriate" and "draw the Office's attention to the Information Disclosure Statement filed on February 4, 2009."

The Office did not enter a reduction in patent term adjustment for the Information Disclosure Statement ("IDS") filed February 4, 2009. A review of the record indicates a one-day reduction should have been entered.

Per 37 C.F.R. § 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.

The February 4, 2009 IDS was filed after a reply to a prior Office action was filed on February 3, 2004. The record fails to indicate the examiner expressly requested the IDS and the IDS was not

accompanied by a statement under 37 C.F.R. § 1.704(d). Therefore, the Office should have entered a one-day reduction pursuant to 37 C.F.R. § 1.704(c)(8).

In view of the prior discussion, the patent should have issued with a revised Patent Term Adjustment of 109 days, not 110 days.

As this letter was submitted as an advisement to the Office of an error in patentees' favor, the Office will not assess the $200.00 fee under 37 C.F.R. § 1.18(e). The Office thanks patentees for their good faith and candor in bringing this to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one hundred nine (109)** days.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Anthony Knight
Supervisor
Office of Petitions

Enclosure: Copy of Draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO.	:	7,577,110 B2
ISSUE DATE	:	August 18, 2009
INVENTOR(S)	:	Zimmermann et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 110 days.

Delete the phrase "by 110 days" and insert - by 109 days--

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DUANE MORRIS LLP - Princeton
PO BOX 5203
PRINCETON, NJ 08543-5203

Mail Date: 04/21/2010

Applicant	: Purusottam Mookerjee	: DECISION ON REQUEST FOR
Patent Number	: 7605747	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/504,561	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **377** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Dergosits & Noah LLP
Suite 1450
Four Embarcadero Center
San Francisco, CA 94111

In re Application of	:	
Shubov, et al.	:	
Application No. 11/504,566	:	DECISION GRANTING PETITION
Filed: August 14, 2006	:	
Attorney Docket No. 429.07	:	

This is a decision on the petition filed September 11, 2006, that is responsive to the "Notice of Incomplete Nonprovisional Application" (the "Notice") mailed August 31, 2006.

On August 14, 2006, the application was deposited.

On August 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 11, 2006. Petitioner argues that the application should be accorded a filing date of August 14, 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 August 14, 2006.

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 August 14, 2006. Applicant should file a preliminary amendment before the first action on the merits to correct the discrepancy between the original disclosure and what was actually filed on August 14, 2006.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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TECHNOLOGY CENTER 2800

McDermott, Will & Emery, LLP
600 Thirteenth Street, NW
Washington, DC 20005-3096

In re Application of	:	**DECISION ON REQUEST TO**
KANNO *et. al.*	:	**PARTICIPATE IN PATENT**
Application No. 11504722	:	**PROSECUTION HIGHWAY**
Filed: November 16, 2006	:	**PILOT PROGRAM AND PETITION**
Attorney Docket No. 074782-0024	:	**TO MAKE SPECIAL UNDER**
For: TRANSMISSION LINE APPARATUS	:	**37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 16, 2007 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

As to requirement (1), the instant US application 11/504,722 claims priority to JP 2005-173368. Since the allowed JP application, JP 2006-535679 claims domestic priority to JP 2005-173368, and the claims of the instant US application correspond to the allowed claims of JP 2006-535679, the claims of JP 2006-535679 must have support in JP 2005-173368.

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

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2100 PENNSYLVANIA AVE. NW
WASHINGTON, DC 20037-3213

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OCT 22 2009
OFFICE OF PETITIONS

In re Application of
Tomoyasu Terada
Application No. 11/504,732
Filed: August 16, 2006
Attorney Docket No. Q96488

ON PETITION

This is a decision on the petition, filed October 21, 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 September 29, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3729 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
BLDG. K1-3A59
NISKAYUNA, NY 12309

Mail Date: 06/08/2010

Applicant	: Marko Baller	: DECISION ON REQUEST FOR
Patent Number	: 7652586	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/504,739	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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NOVOZYMES NORTH AMERICA, INC.
500 FIFTH AVENUE
SUITE 1600
NEW YORK, NY 10110

Mail Date: 04/20/2010

Applicant	: Preben Nielsen	: DECISION ON REQUEST FOR
Patent Number	: 7642080	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/504,743	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

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

NOVOZYMES NORTH AMERICA, INC.
500 FIFTH AVENUE
SUITE 1600
NEW YORK, NY 10110

Mail Date: 05/17/2010

Applicant : Preben Nielsen
Patent Number : 7642080
Issue Date : 01/05/2010
Application No : 11/504,743
Filed : 08/15/2006

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **598** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/504,777	08/16/2006	Jung-Soo Jung	52287	3670

7590 03/19/2009
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER
BROWN, STEPHEN W

ART UNIT	PAPER NUMBER
2416	

MAIL DATE	DELIVERY MODE
03/19/2009	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.

Betty Powell

Patent Publication Branch
Office of Data Management

Repln. Ref: 03/19/2009 BPOWELL 0013594900
DAA:182220 Name/Number:11534777
FC: 9204 $1450.00 CR

Adjustment date: 03/19/2009 BPOWELL
11/06/2006 SZEWDIE1 00000097 11504777
03 FC:1111 -500.00 OP
05 FC:1201 -600.00 OP
06 FC:1202 -350.00 OP

FORM PET651G (Rev. 08/07)

Kepln. Ref: 03/19/2009 BPOWELL 0013594900
DA#:182220 Name/Number:11504777
FC: 9204 $1450.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

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COOK, ALEX, MCFARRON, MANZO, CUMMINGS & MEHLER LTD
200 WEST ADAMS STREET, SUITE 2850
CHICAGO IL 60606

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MAY 1 3 2008

OFFICE OF PETITIONS

In re Application of
ZWEIGLE, et al.
Application No. 11/504,788
Filed: August 15, 2006
Attorney Docket No. **1444-0172.01**

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 12, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 23, 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]

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 should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2863 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **DAVID MUNDT**
COOK ALEX MCFARRON ANZO CUMMINGS & MEHLER, LTD.
ONE NORTH WACKER DRIVE, SUITE 4130
CHICAGO, IL 60606

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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OFFICE OF PETITIONS

Pro-Techtor International Services
20775 Norada Ct.
Saratoga, CA 95070

In re Application of	:	
Emily Lo	:	
Application No. 11/504,792	:	DECISION ON PETITION
Filed: August 14, 2006	:	
Attorney Docket No. 1211128	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 27, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before May 5, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed February 5, 2009. Accordingly, the date of abandonment of this application is May 6, 2009. A Notice of Abandonment was mailed on June 2, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the issue fee payment of $755, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the issue fee is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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THE FARRELL LAW FIRM, LLP
290 Broadhollow Road
Suite 210E
Melville, NY 11747

Mail Date: 04/21/2010

Applicant	: Sung-Jin Kim	: DECISION ON REQUEST FOR
Patent Number	: 7650167	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/504,798	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **161** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BRIAN M. MCINNIS
12TH FLOOR, RUTTONJEE HOUSE
11 DUDDELL STREET
HONG KONG HK HONG KONG

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OFFICE OF PETITIONS

In re Patent No. 7,552,934	:	
Issue Date: June 30, 2009	:	
Application No. 11/504,802	:	DECISION ON PETITION
Filed: August 15, 2006	:	
Attorney Docket No. TWT01152/US	:	

This is a decision on the petition under 37 CFR 1.182, filed March 2, 2010, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Publishing Division is directed to issue a duplicate Letters Patent.

Petitioner states that the original Letters Patent was never received and has requested that the petition fee of $400 be refunded or waived.

The request to refund or waiver the petition fee is dismissed because the fee is required as a condition for processing the petition. Accordingly, the petition fee has been charged to Deposit Account No. 50-4669, as authorized.

Telephone inquiries concerning this decision may be directed to Diane Goodwyn at (571) 272-6735.

Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Naomi Farmer in the Publishing Division at (703) 308-9250, Ext. 129.

A copy of this decision is being faxed to Publishing Division for issuance of a duplicate Letters Patent.

Thurman K. Page
Petitions Examiner
Office of Petitions

cc: Naomi Farmer, South Tower, 8th Floor, Room C23 (Fax No. (571) 270-9753)

UNITED STATES PATENT AND TRADEMARK OFFICE

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NIKOLAI & MERSEREAU, P.A.
900 SECOND AVENUE SOUTH
SUITE 820
MINNEAPOLIS MN 55402

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OFFICE OF PETITIONS

In re Application of :
Liao :
Application No. 11/504,815 : ON PETITION
Filed: August 15, 2006 :
Attorney Docket No. 20060834/ORI :
For: FLUSHING CONTROL MECHANISM

This is a decision on the petition, filed September 18, 2006, requesting, in effect, partial withdrawal of the Notice to File Corrected Application Papers (Notice), mailed September 14, 2006, insofar as it alleges that pages 2 and 3 of the specification were omitted when the application was filed.

The petition under 37 CFR 1.53(e) is **GRANTED**.

The application was filed on August 15, 2006. On September 14, 2006, the Office of Initial Patent Examination mailed a Notice informing petitioner that pages 2 and 3 of the specification appeared to have been omitted.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that pages 2 and 3 be accorded a filing date of August 15, 2006 on the basis that the entire specification, including allegedly missing pages 2 and 3, was received in the Patent and Trademark Office (PTO) on August 15, 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 August 15, 2006 as the date of receipt. The postcard lists that the filing included, *inter alia*, 6 pages of specification. A review of the application file reveals that 4 pages are present. Pages 2 and 3 are missing.

The return postcard constitutes *prima facie* evidence that 6 pages of specification, including missing pages 2 and 3, were filed on August 15, 2006. MPEP 503. Accordingly, the request is granted. No petition fee has been or will be charged in connection with this matter.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **August 15, 2006,** using the copy of pages 2 and 3 supplied with the petition.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

JONES & SMITH, LLP
2777 ALLEN PARKWAY, SUITE 800
HOUSTON, TX 77019-2141

In re Application of	:	
JACKMAN, John P. et al.	:	
Application No. 11/504,828	:	DECISION ON PETITION
Filed: August 15, 2006	:	TO WITHDRAW
Attorney Docket No. **025000-00201**	:	FROM RECORD
	:	

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 22, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to JONES & SMITH, LLP has been revoked by the assignee of the patent application on May 13, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **BLANK ROME LLP**
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON DC 20037

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

BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON DC 20037

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MAY 24 2010

OFFICE OF PETITIONS

In re Application of	:	
JACKMAN, John P. et al.	:	
Application No. 11/504,828	:	DECISION ON PETITION
Filed: August 15, 2006	:	TO WITHDRAW
Attorney Docket No. 025000-00201	:	FROM RECORD
	:	

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 12, 2010.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because no change of address was provided.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

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POLSTER, LIEDER, WOODRUFF & LUCCHESI
12412 POWERSCOURT DRIVE SUITE 200
ST. LOUIS MO 63131-3615

In re Application of	:	
Zoran Dicic	:	
Application No. 11/504,842	:	DECISION ON PETITION
Filed: August 16, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. DICZ 9528U1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 30, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant declaring that he is 65 years of age or older. 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 3745 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

ABELMAN FRAYNE & SCHWAB
666 THIRD AVENUE, 10th FLOOR
NEW YORK, NY 10017

In re Application of	:	
Yousef Haik Bakikian et al	:	
Application No. 11/504,850	:	DECISION GRANTING
Filed: August 16, 2006	:	PETITION
Attorney Docket No. 207,603	:	

This is a decision on the petition, filed December 1, 2006, requesting that the response to the Notice to File Missing Parts of August 31, 2006 be accorded a filing date of October 12, 2006, rather than the presently accorded date of October 13, 2006. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner alleges that the correspondence was deposited in Express Mail Service on October 12, 2006. In support of this allegation, the petition is accompanied by a copy of Express Mail receipt No. ER 059677105 US (the same Express Mail number found on the original correspondence located in the official file) showing a postal receipt date stamp of October 12, 2006.

The evidence is convincing that the correspondence was deposited as "Express Mail" with the U.S. Postal Service on October 12, 2006. Accordingly, the correspondence is entitled to a filing date of October 12, 2006. It is noted, that, even with the filing date of October 13, 2006 given to the response to the Notice to File Missing Parts of August 31, 2006, the reply was still timely filed.

Since the response to the Notice to File Missing Parts received October 12, 2006 provides an incorrect serial number, the Office has made the proper correction.

In view of the above, the petition is **GRANTED**.

Telephone inquiries relating to this decision should be directed to Irvin Dingle at (571) 272-3210.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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HOFFMANN & BARON NY

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

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OFFICE OF PETITIONS

In re Application of
Mantyla, McKee, Parkinson and Broeders
Application No. 11/085,435
Filed: February 21, 2005
Attorney Docket No. 669-127

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed on July 21, 2005 (certificate of mailing dated July 19, 2005). Petitioner obtained an extension of time for response within the first month. Accordingly, the petition is timely filed.

The petition is granted.

Petitioner showed that Nicholas Broeders, the non-signing inventor, refused to join in the filing of the above-identified application after having been mailed the application papers. Specifically, the declaration of facts of Attorney John S. Sopko established that he mailed a copy of the application as filed, a Combined Declaration and Power of Attorney, and an assignment to the non-signing inventor at his last known address via Federal Express. Mr. Sopko asserted that during a telephone conversation with Mr. Broeders, the inventor stated that he refused to sign the Combined Declaration and Power of Attorney and the assignment document.

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.

Petitioner paid a $130.00 petition fee; however, the current petition fee is $400.00. Thus, the Office will charge petitioner's Deposit Account the amount due of $70.00, as authorized.

The matter is being referred to Technology Center Art Unit 3637 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

RECEIVED
SEP 1 2 2005
HOFFMANN & BARON, NJ

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mantyla et al.

Application No.: 11/085,435

Filed: February 21, 2005

For: RIDGE VENT APPARATUS

Confirmation No.: 4031

Examiner: Unassigned

Group Art Unit: 3637

Docket: 669-127

Dated: July 18, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to: Commissioner for Patents, Alexandria, VA 22313

Dated: July 18, 2005

Signature Barbara Thomas/

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF JOHN S. SOPKO IN SUPPORT OF PETITION PURSUANT TO 37 C.F.R. §1.47

Sir:

1. I am an associate with the firm of Hoffmann & Baron, LLP, the domestic patent counsel for Piasetzki and Nenniger LLP, who is the outside Canadian patent counsel for Canplas Industries Ltd.("Canplas").

2. I am a registered patent attorney and my registration number is 41,321.

3. Mr. Nicholas Broeders is an inventor on the above-identified patent application and was an employee of Canplas at the time of the invention.

4. The patent application was filed on March 21, 2005, without the Combined Declaration and Power of Attorney.

5. Mr. Broeders terminated his employment with Canplas prior to the filing of the application.

6. On May 10, 2005, I sent a letter to James T. Nenniger of Piasetzki & Nenniger LLP enclosing a Combined Declaration and Power of Attorney to be executed for the above-referenced application. A copy of that letter is enclosed herewith as Exhibit A.

7. On June 2, 2005, I received a letter dated May 27, 2005 from James T. Nenniger of Piasetzki & Nenniger LLP reporting that Nicholas Broeders has refused to execute the application papers. Enclosed with that letter was a copy of an Employment Agreement signed by Nicholas Broeders stating, in part, that all inventions conceived or made during employment are the exclusive property of Canplas. A copy of this letter and its attachments are enclosed herewith as Exhibit B.

8. On June 2, 2005, I sent a copy of the application as filed, a Combined Declaration and Power of Attorney and an assignment document to Mr. Nicholas Broeders by Federal Express at his home address at 1992 Anneccast, Innisfil, Ontario, L9S 1W8 Canada. A copy of that letter is enclosed as Exhibit C.

9. On June 7, 2005, I confirmed delivery of the June 2, 2005 letter to Mr. Nicholas Broeders by use of the tracking number at the website for Federal Express. A copy of the tracking results is enclosed as Exhibit D.

10. On June 7, 8 and 9, 2005, I called Mr. Nicholas Broeders at his current employment at 905-795-5055 ext. 3083, leaving messages to confirm receipt of the June 2, 2005 letter and requesting that Mr. Nicholas Broeders return my call regarding execution of the Combined Declaration and Power of Attorney document.

11. On June 13, 2005, I received an e-mail from Nicholas Broeders confirming receipt of my June 2, 2005 letter. The e-mail further indicated that Nicholas Broeders refused to execute the assignment document. A copy of the email is enclosed as Exhibit E.

12. On June 15, 2005, I contacted Mr. Nicholas Broeders by telephone. He told me that he refuses to execute the Combined Declaration and Power of Attorney document and the assignment document.

13. I hereby declare that all the statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the likes that are made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued therefrom.

Respectfully submitted,

John S. Sopko

Dated: July 18, 2005

HOFFMANN & BARON, LLP

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SCIENTIFIC ADVISOR
DANIEL A. SCOLA, SR., Ph.D.

* NOT ADMITTED IN NJ
† SENIOR ATTORNEY

May 10, 2005
VIA FACSIMILE
CONFIRMATION VIA DHL

James T. Nenniger, Esq.
Piasetzki & Nenniger
120 Adelaide Street West
Suite 2308
Toronto, Ontario
Canada M5H 1T1

Re: U.S. Patent Application No. 11/085,435
RIDGE VENT APPARATUS
Your Reference: CAN225/JTN
Our Docket: 669-127

Dear James:

Thank you for your letter of May 9, 2005 enclosing the address of the inventors.

Please find enclosed copy of an assignment document and a combined declaration and power of attorney for execution by the inventors. The documents must be filed with the U.S. Patent Office by **June 19, 2005** to avoid a fee for an extension of time. These documents will be filed in response to a Notice of Missing Parts of Nonprovisional Application, which has been previously reported to you.

If you have any questions or comments, please do not hesitate to contact us.

Very truly yours,

John S. Sopko

JSS/bjt
Enclosure

PIASETZKI & NENNIGER LLP
BARRISTERS & SOLICITORS • PATENT & TRADEMARK AGENTS

120 Adelaide Street West, Suite 2308
Toronto, Ontario Canada M5H 1T1
Telephone (416) 955-0050
Facsimile (416) 955-0053

Gregory A. Piasetzki, Hons.B.Sc. (Chem.), LL.B.*
James T. Nenniger, Hons.B.Sc. (Civil Eng.), LL.B.
Avi Zimmerman, Hons.B.A.Sc. (Elec. Eng.), LL.B.
Stephen P. Shoshan, Hons.B.A.Sc. (Sys.Des.), LL.B.

Sam El-Khazen, LL.B.
Dan Keller, Hons.B.Sc. (Bio. Psych.), M.Sc. (Med. Sci.), LL.B.

*Certified by the Law Society of Upper Canada as a Specialist in Intellectual Property Law (Patents, Trademarks & Copyrights)

May 27, 2005

Privileged and Confidential

Via Fax (973) 331-1717
Confirmation by Courier

RECEIVED
JUN 2 2005
HOFFMANN & BARON, NJ

Our File: **CAN225/JTN**

Your File: **669-127**

CONFIRMATION
* ONLY *

Daniel A. Scola, Esq.
HOFFMANN & BARON, LLP
1055 Parsippany Blvd.
Parsippany, New Jersey
07054 U.S.A.

Dear Dan:

RE: UNITED STATES PATENT APPLICATION NO. 11/085,435
FOR: RIDGE VENT APPARATUS
FILING DATE: MARCH 21, 2005
APPLICANT: CANPLAS INDUSTRIES LTD.

Further to your letter dated May 10, 2005, we are writing to report that one of the co-inventors of the above-noted application, a former employee, namely Nicholas C. Broeders, refuses to execute documents to affect an assignment in the invention to the applicant Canplas Industries Ltd, without a payment, which our client refuses to make. A copy of an e-mail from our client to this effect is attached..

We have enclosed a copy of the employment agreement between Broeders and Canplas which provides that any and all inventions which the employee may conceive or make during the course of his employment shall be the exclusive property of Canplas. We confirm that the invention was created during the course of his employment with Canplas.

Please advise whether this employment agreement, in addition to the execution of the Assignment of Invention and Combined Declaration and Power of Attorney by the remaining inventors, is sufficient to fulfill the requirements of the Notice of Missing Parts of Nonprovisional Application which is due **June 19, 2005**. If it is not sufficient please let us know how else we may proceed in light of the fact that the one co-inventor refuses to

co-operate, without additional payment which will not be made.

We look forward to your comments as soon as is convenient.

Yours very truly,
PIASETZKI & NENNIGER

James T. Nenniger

/dk
Encl.
associate.004.wpd

Jennifer Way

From: Jim McKee [jmckee@Canplas.com]
Sent: Tuesday, May 10, 2005 4:08 PM
To: James Nenniger
Subject: Patent signature - Weatherpro Ridge vent

COPY

James,

Today, May 10, 2005 I received a call from Nick Broeders concern our request he sign off on a patent relating to the Weatherpro Ridge vent (#6073/72). He informed me that he would not sign it unless we made it worth his while. I asked what exactly he was requesting and he said that if I want his signature is was going to cost us money.

We had further discussion concerning the amount and value of his signature. I indicated I felt that the value was having another project reflecting his name as an inventor.

I told him I would consider his request and think over Canplas response and call him back. I plan to return his call and refuse his offer.

Jim McKee

This e-mail may be privileged and/or confidential. Any distribution, use or copying of this e-mail or the information it contains by other than an intended recipient is unauthorized. If you received this e-mail by error, please advise me immediately.

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Jim McKee

General Manager

Duraflo

800-461-1771 ext.343

canplas
INDUSTRIES LTD.

EMPLOYEE AGREEMENT

As part of the terms of employment with Canplas Industries Ltd. and its divisions, subsidiaries and affiliated companies (the Company), I agree:

1. All inventions and discoveries relating to the Company's business and all confidential knowledge and information, which I may acquire during my employment, shall be held by me in trust for the benefit of the Company. I will not divulge, or authorize anyone else to divulge, either during the time I am employed by the Company or afterwards, knowledge of said inventions or discoveries, or any confidential knowledge or information concerning the Company's business. These obligations shall remain in force until such inventions, discoveries, knowledge or information become publicly known through no fault of mine.

2. Any and all inventions, discoveries and improvements which I may conceive or make, during the period of my employment, in any way connected to the Company's activities, shall be the exclusive property of the Company. I will, whenever so requested, execute all documents that the Company may require and generally assist the Company at its expense, both during and after my employment, in obtaining letters patent or other legal protection, and will assign all rights in such inventions, discoveries and improvements to the Company or its nominee.

3. Attached hereto is a list of patents and/or inventions made my me prior to entering employment with the Company, which are to be excluded from this Agreement.

4. Upon termination of employment with the Company, I shall promptly return all drawings, blueprints, specifications, reports, notebooks and all other materials of a confidential nature relating to the Company's business, which are in my possession.

Employee

Witness: _____

Date: JANUARY 15, 1998

Place: TORONTO

List of my patents and/or inventions which are to be excluded from my Employment Agreement dated 15th DAY OF JANUARY 1998.

ALL PATENTS BEARING MY NAME AS THE INVENTOR, ARE CONCEIVED WHILE GAINFULLY EMPLOYED AND ARE THEREFOR THE PROPERTY OF SAID EMPLOYER(S). NO ROYALTIES WERE EVER RECEIVED NOR WILL BE RECEIVED AS A RESULT OF THESE PATENTS.

NO PATENT BEARING MY NAME AS THE INVENTOR IS IN CONFLICT WITH THE BUSINESS INTERESTS OF CANPLAS INDUSTRIES LTD.

Employee

canplas
INDUSTRIES LTD.
31 Patterson Rd., Box 1800, Barrie, Ontario, Canada L4M 4V3 · (705) 726-3361 · Fax (705) 726-6991

January 15, 1998

VIA FAX
(416) 364 1575

Mr. Nicholas C. Breeders
c/o Shawn Gibb
The Center for Corporate Resources

Dear Nick:

Re: EMPLOYMENT WITH CANPLAS INDUSTRIES LTD.

Further to our recent discussions, we are pleased to offer you the position of Research & Development Manager. The terms of your employment are as outlined herein:

1. Effective Date: Monday, February 2, 1998.

2. Basic Salary: $[redacted] per annum (paid biweekly) reviewed annually..

3. Probationary Period: Six (6) months. During this period no termination pay or notice would be owed to you.

4. Benefits: Following a 30 day qualifying period, you will become eligible for all benefits available to Canplas salaried employees. A summary of benefits is attached.

5. Vacation Entitlement: Two (2) weeks ~~after one~~ THE FIRST year ~~of continuous employment~~. Three (3) weeks in 2001; (4) weeks after 11 years in 2009.

6. Confidentiality: At no time during your employment or any time thereafter, will you disclose confidential or proprietary information belonging to Canplas, its affiliates, customers or suppliers. You will be required to sign the Employee Agreement enclosed assigning all rights to any inventions, discoveries and improvements which you may make during your period of employment with Canplas Industries Ltd.

.... /2

7. **Termination and Termination Pay:** Your employment will terminate immediately in the event you:

(a) Resign
(b) Are unable to carry out your duties for a period in excess of twelve (12) months, or;
(c) Perform an act or omission, or series of acts or omissions, which would constitute grounds for immediate dismissal for cause at common law.

We are pleased to offer you employment with Canplas Industries Ltd. and look forward to working together with you. If the terms of employment, as set out in this letter, are acceptable to you, please sign, date and return to my attention along with the Employee Agreement.

Yours truly,

CANPLAS INDUSTRIES LTD.

Allan E. Kinsella
Vice President Manufacturing

Attach.

ACCEPTANCE

The terms and conditions of employment, as set out in this letter, are acceptable to me.

JANURRY 15, 1998
Date

Nicholas C. Broeders

HOFFMANN & BARON, LLP

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SCIENTIFIC ADVISOR
DANIEL A. SCOLA, SR., Ph.D.

* NOT ADMITTED IN NJ
† SENIOR ATTORNEY

June 2, 2005
VIA FEDERAL EXPRESS

Mr. Nicholas Broeders
1992 Anneccast
Innisfil, Ontario
L9S 1W8 Canada

Re: U.S. Patent Application No. 11/085,435
RIDGE VENT APPARATUS
Piasetzki & Nenniger Reference: CAN225/JTN
Our Docket: 669-127

Dear Mr. Broeders:

Please find enclosed a copy of the above-referenced application as filed with the U.S. Patent Office on March 21, 2005. The application was filed without a declaration pursuant to 37 C.F.R. §1.163.

Please find enclosed a copy of a "Combined Declaration and Power of Attorney". Please sign and date the declaration at page 5. Please return the executed declaration to my attention. A return Federal Express envelope is provided for your convenience. You may also return an executed copy to me by facsimile at (973) 331-1717 or by scanning and e-mailing to: jsopko@hoffmannbaron.com.

Please also find enclosed a copy of an U.S. assignment document for your execution. Again, please sign and date the document and return to us by any of the above-mentioned methods.

Finally, we would appreciate that you acknowledge receipt of this letter either by so noting on the cover page of this letter and forwarding the same by facsimile. If, for some reason your refuse to sign the enclosed declaration, please so note and send that correspondence to us by facsimile or e-mail. Alternatively, you may call me at (973) 331-1700.

If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

John S. Sopko

JSS/kg
Enclosures

Track Shipments
Detailed Results

Quick Help

Tracking number	791639933990	**Reference**	669-127 (0145)
Signed for by	K.BROEDERS	**Service type**	Priority Pak
Ship date	Jun 2, 2005	**Weight**	2.0 lbs.
Delivery date	Jun 3, 2005 12:46 PM		
Status	Delivered		

Date/Time		Activity	Location	Details
Jun 3, 2005	12:46 PM	**Delivered**		
	8:28 AM	At local FedEx facility	BARRIE, ON	
	6:33 AM	Int'l shipment release	MISSISSAUGA, ON	
	6:33 AM	Int'l shipment release	MISSISSAUGA, ON	
	5:43 AM	At dest sort facility	MISSISSAUGA, ON	
	3:09 AM	Departed FedEx location	NEWARK, NJ	
Jun 2, 2005	11:13 PM	Arrived at FedEx location	NEWARK, NJ	
	9:48 PM	Left origin	EAST HANOVER, NJ	
	7:22 PM	Picked up	EAST HANOVER, NJ	
	3:21 PM	Package data transmitted to FedEx		

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From

To

Add a message to this email.

Send email

Sopko, John

From: Nicholas Broeders [nicholasb@cpiplastics.com]
Sent: Monday, June 13, 2005 8:44 AM
To: Sopko, John
Subject: Ridge Vent Patent

Dear Mr. Sopko,

Re:US patent application 11/085,435

This will acknowledge receipt of your letter dated June 2, 2005. I did confirm receipt of the letter by facsimile to you earlier.

Your correspondence seems to overlook that this patent is my patent an I have a full proprietary interest in it. I am not prepared to execute the assignment document until I am fairly compensated. Further, I believe that there is absolutely no obligation on my part in law, once I had left the employ of Canplas to execute the assignment of the patent.

I look forward to discussing these matters with you Mr Nenniger or a representative of Canplas.

Nicholas C. Broeders.

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WESTFIELD NJ 07090

MAILED

JUL 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Dobak III et al.	:	DECISION ON PETITION
Application No. 11/504,856	:	TO WITHDRAW
Filed: August 16, 2006	:	FROM RECORD
Attorney Docket No. 116003	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed June 4, 2009.

The request is **NOT APPROVED**.

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.*

Therefore, as there is currently no Statement under 37 CFR 3.73(b) currently of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

Further, a grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Mark D. Wieczorek on behalf of all attorneys of record associated with Customer Number 27774. However, since the practitioners were not appointed by a Customer Number upon filing of the instant application, petitioner may not withdraw the practitioners by Customer Number.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no Office action 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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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TESSERA
LERNER DAVID et al.
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

Mail Date: 04/21/2010

Applicant	: Belgacem Haba	: DECISION ON REQUEST FOR
Patent Number	: 7638868	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/504,857	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **451** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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NAVAL SURFACE WARFARE CENTER
CARDEROCK DIVISION
9500 MACARTHUR BOULEVARD
WEST BETHESDA, MD 20817-5700

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JUN 2 6 2007

OFFICE OF PETITIONS

In re Application of	:	
Donald W. Rule et al.	:	
Application No. 11/504,859	:	DECISION ON PETITION
Filed: August 16, 2006	:	TO WITHDRAW
Attorney Docket No. 97,403	:	FROM RECORD
	:	

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 **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 to withdraw Scott R. Boalick cannot be approved because power of attorney was given by customer number.

The request to withdraw less than all attorneys appointed by customer number 23501 cannot be approved. The addition and/or deletion of a practitioner from the list of practitioners associated with a Customer Number should be made by submitting a "Request for Customer Number Data Change" (PTO/SB/124) which will result in the addition or deletion of such practitioner from the list of persons authorized to represent any applicant or assignee of the entire interest who appointed all of the practitioners associated with such Customer Number. See MPEP 403 Section I. Customer Number Practice.

There are no outstanding office actions at this time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272- 4618.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MERCK
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530

MAILED

JUN 29 2010

OFFICE OF PETITIONS

In re Application :
Chad E. Bennett et al. :
Application No. 11/504,860 : DECISION ON APPLICATION
Filed: August 16, 2006 : FOR PATENT TERM ADJUSTMENT
Attorney Docket No. CN06342US01 :

This is in response to the Request for Reconsideration of Patent Term Adjustment Of Issued Patent Under 37 C.F.R. §1.705(d) filed April 15, 2010. Applicant requests that the determination of patent term adjustment be corrected from 660 to 1079 days. Applicant requests this correction in part on the basis that the Office will take in excess of three years to issue this patent and in light of the recent court decision in Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008).

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within three years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the patent term adjustment relating to those provisions until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss such a request as premature.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee.[1]

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within two months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Anthony Knight
Director
Office of Petitions

[1] For example, if applicants dispute both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed, and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicants must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROBERT J JACOBSON PA
650 BRIMHALL STREET SOUTH
ST PAUL, MN 55116-1511

COPY MAILED
MAY 2 2 2008
OFFICE OF PETITIONS

In re Application of
MCKENNA, LOUIS H.
Application No. 11/504,867
Filed: August 16, 2006
Attorney Docket No. **LHM-EWS-4**

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 07, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Louis H. McKenna attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2612 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05/06/10

TO SPE OF : ART UNIT 1786

SUBJECT : Request for Certificate of Correction for Appl. No.: 11504871 Patent No.: 7691292

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

XApproved	**All** changes apply.
❑ **Approved in Part**	Specify below which changes **do not** apply.
❑ **Denied**	State the reasons for denial below.

/Donald L Tarazano/ SPE AU 1786

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.

FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO CA 94108

COPY MAILED

MAR 23 2009

OFFICE OF PETITIONS

In re Application of
Qiong Liu, Don Kimber, Patrick Chiu, and Laurent Denoue
Application No. 11/504,873
Filed: August 15, 2006
Attorney Docket No. FXPL- IP-05-020
Title: SYSTEM AND METHOD FOR INTERACTING WITH OBJECTS VIA A CAMERA ENHANCED MOBILE DEVICE

DECISION ON THREE PETITIONS PURSUANT TO 37 C.F.R. 37 C.F.R. §§ 1.47(A), 1.48(A), AND 1.183

This is in response to the "PETITION UNDER 37 C.F.R. § 1.183 TO WAIVE STATEMENT REQUIRED UNDER 37 C.F.R. 1.48(a)(2) AND TO ACCEPT REQUEST TO CORRECT INVENTORSHIP WITHOUT THE STATEMENT OF A JOINT INVENTOR," filed on December 22, 2008, which is being treated as three petitions pursuant to 37 C.F.R. §§ 1.47(a), 1.48(a), and 1.183.

The petition pursuant to 37 C.F.R. § 1.47(a) is **DISMISSED**.

The petition pursuant to 37 C.F.R. § 1.48(a) is **DISMISSED**.

The petition pursuant to 37 C.F.R. § 1.183 is **DISMISSED**.

On August 15, 2006, this application was filed, identifying Qiong Liu, Jank Yang, and Laurent Denoue as joint inventors. The application was deposited without an executed oath or declaration. On August 30, 2006, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, indicating that, *inter alia*, a fully executed oath or

declaration and the associated surcharge were required. This Notice set a two-month period for reply.

On November 2, 2006, a fully-executed declaration was received,[1] identifying Qiong Liu, Don Kimber, Patrick Chiu, and Laurent Denoue as the joint inventors. Pursuant to Rule 1.48(f)(1), inventorship was set by this first submission of an executed declaration.

With these three petitions, Applicant seeks to add Jack Yang and Hanning Zhou as inventive entities, and has provided a declaration that has been executed by each of the joint inventors save Mr. Yang, along with a statement pursuant to Rule 1.48(a)(2) that has been executed by Mr. Zhou and a statement from the Assignee pursuant to Rule 1.48(a)(5).

Each of these petitions will be discussed in turn.

<u>The petition pursuant to Rule 1.47(a)</u>:

A grantable petition pursuant to 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(f);
(3) a statement of the last known address of the non-signing inventor(s);
(4) either
    a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to each non-signing inventor for review and proof that each non-signing inventor refuses to join in the application or
    b) proof that the non-signing inventor(s) cannot be found or reached after diligent effort, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

1 It is noted that this submission was accompanied by a cover sheet that contains a certificate of mailing dated October 30, 2006.

With this petition pursuant to Rule 1.47(a), Applicant has included the petition fee, the last-known address of the non-singing joint inventor,[2] and an acceptable declaration.

The surcharge associated with the late submission of an oath or declaration was preveniently received on November 3, 2006.

Applicant has satisfied requirements (1) - (3) and (5) of Rule 1.47(a).

Regarding the fifth requirement, on the first page of this petition, Applicant has asserted that "copies of the application" were sent to the non-signing inventor via Email on April 24, 2008.

First, the Office cannot determine if it was a complete copy of the application that was sent to the non-signing joint inventor.

Secondly, the transmission of documents via Email, while a common practice, can be problematic. Transmission and receipt of documents-whether in image, word-processing, spreadsheet or other form-can be affected by differences in software generation between the sender and recipient(s), and other interferences include but are not limited to sender's and recipient's Internet service provider's (ISP) and/or office/personal security firewall systems.

Thus, in the absence of an express statement from a non-signing inventor(s) that he/she/they have received, opened and read a document, unlike a printed page in the language of the recipient there is as of this writing no basis <u>to presume</u> that an e-mailed document was in a form that can be read <u>and</u> comprehended.[3]

Where a refusal of an inventor to sign the application papers is alleged, the Office requires the petitioner to establish that a bona fide attempt was made to mail a complete copy of the application, which entails the specification, claims, drawings, and oath or declaration.[4]

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2 Petition, paragraph 12.
3 It is noted that Exhibit J contains the text of an Email from the non-signing inventor where he indicates that he intends to "finish the doc." This suggests that he might have been able to open at least one of the seven attachments to the e-mail of April 24, 2008 (Exhibit A), but it does not equate to an indication that he received, opened, and read the copy of the application.
4 <u>See</u> MPEP § 409.03(d).

It follows that since it has not been shown that a complete copy of the application was sent to the inventor, one cannot refuse to sign something which one has not seen. A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers in a meaningful way does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. It is reasonable to require that the inventor be presented with the application papers in a meaningful way before a petition under Rule 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.[5]

Before filing the renewed petition, Applicant should mail a complete copy of the application to the last known residential address of the non-signing joint inventor, and provide him with a reasonable period of time to respond. Applicant should note that any statement that pertains to the presentation should be made by one having firsthand knowledge of the event. Statements based on hearsay are not normally accepted.

The petition pursuant to Rule 1.183:

Applicant has requested that the requirements of 37 C.F.R. § 1.48(a)(2) be waived, so that the inventorship may be corrected without the submission of a statement from one of the two persons being added as an inventor that the error in inventorship occurred without deceptive intention on his part.

Applicant wishes to add Messrs. Zhou and Yang, and has submitted a statement from the former, but not the latter.

37 C.F.R. § 1.183 sets forth, *in toto*:

> In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(h).

5 In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

[47 FR 41278, Sept. 17, 1982, effective Oct. 1, 1982; revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003]

Applicant has submitted the petition fee, but has neither asserted nor established the existence of an extraordinary situation, such that justice requires the waiver of 37 C.F.R. § 1.48(a)(2).

The petition pursuant to Rule 1.48(a):

A grantable petition under 37 C.F.R. §1.48(a) requires:

(1) A request to correct the inventorship that sets forth the desired inventorship change;

(2) A statement from each person being added as an inventor 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)

With this petition, Applicant has included a request to correct the inventorship that sets forth the desired inventorship change, a statement from one of the two persons being added as an inventor, an oath that has been executed by each of the actual inventors but for Mr. Yang, the processing fee, and the written consent of the assignee.

Requirements (1), (4), and (5) of Rule 1.48(a) have been satisfied. The second requirement has not been satisfied, as a statement from Mr. Yang has not been provided, and pursuant to the discussion above, Rule 1.48(a)(2) has not been waived. Similarly, the third requirement has not been satisfied, as Mr. Yang has not executed the declaration, and the petition pursuant to Rule 1.47(a) has not been granted.

If reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petitions pursuant to 37 C.F.R. §§ 1.47(a), 1.48(a), and 1.183." This is not a final agency action within the meaning of 5 U.S.C § 704.

Any subsequent filing pertaining to these matters should indicate that the attorney handling these matters is Paul Shanoski, and may be submitted by mail,[6] hand-delivery,[7] or facsimile.[8] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[9]

If responding by mail, Applicant is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

The general phone number for the Office of Petitions that should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[10]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

6 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
8 (571) 273-8300- please note this is a central facsimile number.
9 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
10 Applicant 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, Applicant is reminded that no telephone discussion may be controlling or considered authority for any of Applicant's further action(s).

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Paper No.

FLIESLER MEYER LLP
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SAN FRANCISCO CA 94108

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OFFICE OF PETITIONS

In re Application of Qiong Liu, Don Kimber, Patrick Chiu, and Laurent Denoue Application No. 11/504,873 Filed: August 15, 2006 Attorney Docket No. FXPL- IP-05-020 Title: SYSTEM AND METHOD FOR INTERACTING WITH OBJECTS VIA A CAMERA ENHANCED MOBILE DEVICE	:	DECISION ON THREE RENEWED PETITIONS PURSUANT TO 37 C.F.R. 37 C.F.R. §§ 1.47(A), 1.48(A), AND 1.183

This is in response to the three renewed petitions pursuant to 37 C.F.R. §§ 1.47(a), 1.48(a), and 1.183, filed on October 23, 2009.

Receipt of the five-month extension of time so as to make timely this response is acknowledged.

The renewed petition pursuant to 37 C.F.R. § 1.47(a) is **DISMISSED**.

The petition pursuant to 37 C.F.R. § 1.48(a) is **GRANTED**.

The petition pursuant to 37 C.F.R. § 1.183 is **GRANTED**.

On August 15, 2006, this application was filed, identifying Qiong Liu, Jank Yang, and Laurent Denoue as joint inventors. The application was deposited without an executed oath or declaration. On August 30, 2006, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, indicating that, *inter alia*, a fully executed oath or

declaration and the associated surcharge were required. This Notice set a two-month period for reply.

On November 2, 2006, a fully-executed declaration was received,[1] identifying Qiong Liu, Don Kimber, Patrick Chiu, and Laurent Denoue as the joint inventors. Pursuant to Rule 1.48(f)(1), inventorship was set by this first submission of an executed declaration.

Three original petitions pursuant to 37 C.F.R. §§ 1.47(a), 1.48(a), and 1.183 were filed on December 22, 2008, where Applicant sought to add Jack Yang and Hanning Zhou as inventive entities, and provided a declaration that has been executed by each of the joint inventors save Mr. Yang, along with a statement pursuant to Rule 1.48(a)(2) that has been executed by Mr. Zhou and a statement from the Assignee pursuant to Rule 1.48(a)(5).

Each of these petitions will be discussed in turn.

The renewed petition pursuant to Rule 1.183:

Applicant has requested that the requirements of 37 C.F.R. § 1.48(a)(2) be waived, so that the inventorship may be corrected without the submission of a statement from one of the two persons being added as an inventor that the error in inventorship occurred without deceptive intention on his part.

Applicant wishes to add Messrs. Zhou and Yang, and has submitted a statement from the former, but not the latter.

37 C.F.R. § 1.183 sets forth, *in toto*:

> In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(h).
>
> [47 FR 41278, Sept. 17, 1982, effective Oct. 1, 1982; revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003]

With this renewed petition Applicant has both asserted and established the existence of an extraordinary situation, such that justice requires the waiver of 37 C.F.R. § 1.48(a)(2).

---

1 It is noted that this submission was accompanied by a cover sheet that contains a certificate of mailing dated October 30, 2006.

The renewed petition pursuant to 37 C.F.R. § 1.183 is hereby granted, to the extent that Rule § 1.48(a)(2) is waived as it applies to Mr. Yang.

The renewed petition pursuant to Rule 1.48(a):

A grantable petition under 37 C.F.R. §1.48(a) requires:

> (1) A request to correct the inventorship that sets forth the desired inventorship change;
>
> (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
>
> (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
>
> (4) The processing fee set forth in § 1.17(i); and
>
> (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter)

Petitioner has met each of the five requirements of Rule § 1.48(a) but for Rule § 1.48(a)(2), in that a statement has not been provided from Mr. Yang. However, pursuant to the discussion above, this requirement has been waived as it applies to these two individuals.

Consequently, the petition pursuant to 37 C.F.R. § 1.48 is hereby granted. Office records have been updated to reflect the change in inventorship. A corrected filing receipt has been enclosed with this decision.

The renewed petition pursuant to Rule 1.47(a):

A grantable petition pursuant to 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(f);
> (3) a statement of the last known address of the non-signing inventor(s);

(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to each non-signing inventor for review and proof that each non-signing inventor refuses to join in the application or
  b) proof that the non-signing inventor(s) cannot be found or reached after diligent effort, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

With this petition pursuant to Rule 1.47(a), Applicant has included the petition fee, the last-known address of the non-singing joint inventor,[2] and an acceptable declaration. The surcharge associated with the late submission of an oath or declaration was preveniently received on November 3, 2006.

The decision on the original petition indicated that requirements (1) - (3) and (5) of Rule 1.47(a) had been satisfied. With this renewed petition pursuant to Rule 1.47(a), the record establishes that a complete copy of the application was sent to the last known residential address of the non-signing joint inventor, and he has not responded to the same.[3] As such, the fourth requirement of Rule 1.47(a) has been satisfied.

Upon further review, the Office has reconsidered its position in regards to the fifth requirement of Rule 1.47(a). The declarations submitted with both the original and the renewed petitions pursuant to Rule 1.47(a) cannot be accepted, as each fails to comply with 37 C.F.R. § 1.63(a)(3): neither declaration lists the citizenship of non-signing inventor Yang.

On second renewed petition pursuant to Rule 1.47(a), Petitioner should include a declaration that lists the citizenship of non-signing inventor Yang.

If reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R.

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2 Original petition, paragraph 12.
3 Renewed petition pursuant to Rule 1.47(a), paragraph 20. See also concurrently submitted Exhibit S.

§ 1.47(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Any subsequent filing pertaining to this matter should indicate that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[4] hand-delivery,[5] or facsimile.[6] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[7]

If responding by mail, Applicant is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

The general phone number for the Office of Petitions that should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[8]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

Encl. Corrected Filing Receipt

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4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
5 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
6 (571) 273-8300- please note this is a central facsimile number.
7 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
8 Applicant 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, Applicant is reminded that no telephone discussion may be controlling or considered authority for any of Applicant's further action(s).

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	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/504,873	08/15/2006	2622	1330	FXPL- IP-05-020	17	4

CONFIRMATION NO. 4756

CORRECTED FILING RECEIPT

23910
FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO, CA 94108

OC000000039134636

Date Mailed: 12/08/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Qiong Liu, Milpitas, CA;
Don Kimber, Foster City, CA;
Patrick Chiu, Menlo Park, CA;
Laurent Denoue, Palo Alto, CA;
Jack Yang, Beijing, CHINA;
Hanning Zhou, Seattle, WA;

Assignment For Published Patent Application

Fuji Xerox Co., Ltd, Tokyo, JAPAN

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 08/30/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/504,873**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

System and method for interacting with objects via a camera enhanced mobile device

Preliminary Class

348

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Paper No.

MAILED

FEB 02 2010

OFFICE OF PETITIONS

FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO CA 94108

In re Application of Qiong Liu, Don Kimber, Patrick Chiu, Laurent Denoue, Jack Yang, and Hanning Zhou Application No. 11/504,873 Filed: August 15, 2006 Attorney Docket No. FXPL- IP-05-020 Title: SYSTEM AND METHOD FOR INTERACTING WITH OBJECTS VIA A CAMERA ENHANCED MOBILE DEVICE	DECISION ON SECOND RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.47(A)

This is in response to the second renewed petition pursuant to 37 C.F.R. § 1.47(a), filed on January 4, 2010.

The second renewed petition pursuant to 37 C.F.R. § 1.47(a) is **GRANTED**.

On August 15, 2006, this application was filed, identifying Qiong Liu, Jank Yang, and Laurent Denoue as joint inventors. The application was deposited without an executed oath or declaration. On August 30, 2006, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, indicating that, *inter alia*, a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

On November 2, 2006, a fully-executed declaration was received,[1] identifying Qiong Liu, Don Kimber, Patrick Chiu, and Laurent Denoue as the joint inventors. Pursuant to Rule 1.48(f)(1),

1 It is noted that this submission was accompanied by a cover sheet that contains a certificate of mailing dated October 30, 2006.

inventorship was set by this first submission of an executed declaration.

A grantable petition pursuant to 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(f);
(3) a statement of the last known address of the non-signing inventor(s);
(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to each non-signing inventor for review and proof that each non-signing inventor refuses to join in the application or
  b) proof that the non-signing inventor(s) cannot be found or reached after diligent effort, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

Three original petitions pursuant to 37 C.F.R. §§ 1.47(a), 1.48(a), and 1.183 were filed on December 22, 2008, where Applicant sought to add Jack Yang and Hanning Zhou as inventive entities, and provided a declaration that has been executed by each of the joint inventors save Mr. Yang, along with a statement pursuant to Rule 1.48(a)(2) that has been executed by Mr. Zhou and a statement from the Assignee pursuant to Rule 1.48(a)(5). Each of these three petitions was dismissed via the mailing of a single decision on March 23, 2009.

Three renewed petitions were concurrently filed on October 23, 2009. A decision was mailed on December 10, 2009, which granted the renewed petitions pursuant to 37 C.F.R. §§ 1.183 and 1.48(a), and dismissed the renewed petition pursuant to 37 C.F.R. § 1.47(a). With respect to the latter, the decision indicated, *in pertinent part*:

> With this petition pursuant to Rule 1.47(a), Applicant has included the petition fee, the last-known address of the non-singing joint inventor,[2] and an acceptable declaration. The surcharge associated with the late submission of an oath or declaration was preveniently received on November 3, 2006.
>
> The decision on the original petition indicated that requirements (1) - (3) and (5) of Rule 1.47(a) had been satisfied. With this renewed petition pursuant to Rule 1.47(a), the record establishes that a complete copy of the application was sent to the last known residential address of the non-signing joint inventor, and he has not responded to the same.[3] As such, the fourth requirement of Rule 1.47(a) has been satisfied.
>
> Upon further review, the Office has reconsidered its position in regards to the fifth requirement of Rule 1.47(a). The declarations submitted with both the original and the renewed petitions pursuant to Rule 1.47(a) cannot be accepted, as each fails to comply with 37 C.F.R. § 1.63(a)(3): neither declaration lists the citizenship of non-signing inventor Yang.
>
> **On second renewed petition pursuant to Rule 1.47(a), Petitioner should include a declaration that lists the citizenship of non-signing inventor Yang.** (Emphasis included).

With this second renewed petition pursuant to 37 C.F.R. § 1.47(a), Petitioner has included a declaration that lists the citizenship of non-signing inventor Yang, and has been executed by each of the joint inventors but for this individual. It follows that the fifth requirement of Rule 1.47(a) has been satisfied.

Consequently, each of the requirements of 37 C.F.R. § 1.47(a) has been met.

The above-identified application and papers have been reviewed and found in compliance with 37 C.F.R. § 1.47(a). This application is hereby accorded Rule § 1.47(a) status.

As provided in Rule 1.47, this Office will forward notice of this application's filing to the non-signing inventor at the address that appears on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify

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2 Original petition, paragraph 12.
3 Renewed petition pursuant to Rule 1.47(a), paragraph 20. See also concurrently submitted Exhibit S.

the Examiner of this decision, so that the present application can receive further processing in due course.

It is noted that the declaration which was provided on November 2, 2006 lists Mr. Kimber's first name as "Don," whereas the declarations which were submitted subsequently, including the declaration which was included with this petition, lists this individual's first name as "Donald." Pursuant to 37 C.F.R. §1.48(f)(1), inventorship is set by the first submission of an executed declaration, and as such, Office records reflect that this individual's first name is "Don," and this cannot be changed without the submission of a petition pursuant to 37 C.F.R. § 1.182.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[4] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

4 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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Jack Yang
Guanchengnanyuan 15-4A
Haidian District
Beijing
CHINA

MAILED

FEB 02 2010

OFFICE OF PETITIONS

In re Application of	:	
Qiong Liu, Don Kimber,	:	
Patrick Chiu, Laurent Denoue,	:	
Jack Yang, and Hanning Zhou	:	
Application No. 11/504,873	:	
Filed: August 15, 2006	:	LETTER
Attorney Docket No. FXPL- IP-	:	
05-020	:	
Title: SYSTEM AND METHOD FOR	:	
INTERACTING WITH OBJECTS VIA	:	
A CAMERA ENHANCED MOBILE	:	
DEVICE	:	

Dear Mr. Yang:

You are named a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. § 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application, you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, the attorney of record below would presumably assist you. Joining in the application would entail the

filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3225. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO CA 94108

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ALSTON & BIRD LLP
PIONEER HI-BRED INTERNATIONAL, INC.
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Mail Date: 04/21/2010

Applicant	: Linda A. Castle	: DECISION ON REQUEST FOR
Patent Number	: 7666643	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/504,877	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **443** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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ALSTON & BIRD LLP
PIONEER HI-BRED INTERNATIONAL, INC.
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Mail Date: 05/18/2010

Applicant : Linda A. Castle
Patent Number : 7666643
Issue Date : 02/23/2010
Application No : 11/504,877
Filed : 08/16/2006

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **541** 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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ABSOLUTE TECHNOLOGY LAW GROUP LLC
135 W. WELLS ST.
SUITE 518
MILWAUKEE WI 53203

MAILED

JUN 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
WISE, Kurt	:	
Application No. 11/504,895	:	DECISION ON PETITION
Filed: August 16, 2006	:	TO WITHDRAW
Attorney Docket No. **WISE -081606-2**	:	FROM RECORD
	:	

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 08, 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 Jill Welytok on behalf of all attorneys of record who are associated with customer No. 57520. All attorneys/agents associated with the Customer Number 57520 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Kurt Wise at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **KURT WISE**
2320 RENAISSANCE BLVD. 226a
STURTEVANT WI 53177-1763

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of
Franklin Thomas Driver

Application No. 11504909

Filed: August 16,2006

Attorney Docket No. ITI-472 (86080.016504)

: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 24-JUL-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded “special” status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquires concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

PTO/SB/130 (03-08)
Approved for use through 07/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	11504909	Confirmation Number	5055	Filing Date	2006-08-16
Attorney Docket Number (optional)	ITI-472	Art Unit	3754	Examiner	Not Yet Assigned
First Named Inventor	Franklin Thomas Driver				
Title of Invention	Dual Gland Air Inversion And Steam Cure Of Cured In Place Liners				

Attention: Office of Petitions

An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Franklin	Thomas	Driver	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

◉ (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Michael I. Wolfson/	Date (YYYY-MM-DD)	2008-07-24
Name	Michael I. Wolfson	Registration Number	24750

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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GIBSON & DERNIER LLP
900 ROUTE 9 NORTH
SUITE 504
WOODBRIDGE, NJ 07095

Mail Date: 04/21/2010

Applicant	: Yosuke Muraki	: DECISION ON REQUEST FOR
Patent Number	: 7620827	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/504,931	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **603** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

Halliburton Energy Services, Inc.
2600 S. 2nd Street
Duncan OK 73536-0440

In re Application of	:	
Robert E. Hanes, Jr., et al.	:	
Application No. 11/504,938	:	DECISION ON PETITION
Filed: August 16, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 2006-IP-019867U2	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 28, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a signed Declaration under 37 C.F.R 1.102(c)(1) stating that applicant is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Charles Smoot at 571-272-3299.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3676 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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HARMAN - BRINKS HOFER CHICAGO
Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

Mail Date: 04/21/2010

Applicant	: Alex Escott	: DECISION ON REQUEST FOR
Patent Number	: 7657668	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/504,948	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **173** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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HARMAN - BRINKS HOFER CHICAGO
Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

Mail Date: 05/18/2010

Applicant : Alex Escott
Patent Number : 7657668
Issue Date : 02/02/2010
Application No : 11/504,948
Filed : 08/16/2006

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **247** 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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c/o INTELLEVATE, LLC
P.O. BOX 52050
MINNEAPOLIS MN 55402

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JUL 1 8 2008

OFFICE OF PETITIONS

In re Application of
Steven M. Bennett et al. :
Application No. 11/504,964 : ON PETITION
Filed: August 15, 2006 :
Attorney Docket Number: **P23884** :

This is a decision on the petition under 37 CFR 1.182 filed May 19, 2008, to change the name of the inventor due to a legal name change.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name from " Rajesh Sankaran Madukkarumukumana" to --Rajesh Madukkarumukumana Sankaran–.

Petitioner's deposit account no. 50-4238 has been charged in the amount of $400 for the petition fee.

A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2185 for examination in due course.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/504,964	08/15/2006	2185	1830	P23884	34	3

CONFIRMATION NO. 4714

CORRECTED FILING RECEIPT

OC000000031051117

50890
CAVEN & AGHEVLI
c/o INTELLEVATE, LLC
P.O. BOX 52050
MINNEAPOLIS, MN 55402

Date Mailed: 07/18/2008

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)

Steven M. Bennett, Hillsboro, OR;
Andrew V. Anderson, Hillsboro, OR;
Gilbert Neiger, Portland, OR;
Richard Uhlig, Hillsboro, OR;
Dion Rodgers, Hillsboro, OR;
Rajesh Madukkarumukuma Sankaran, Portland, OR;
Camron Rust, Hillsboro, OR;
Sebastian Schoenberg, Hillsboro, OR;

Power of Attorney: The patent practitioners associated with Customer Number 50890

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 08/30/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/504,964**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Synchronizing a translation lookaside buffer to an extended paging table

Preliminary Class

711

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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P.O. BOX 1497
MADISON WI 53701-1497

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OFFICE OF PETITIONS

In re Application of	:	
Langley et al.	:	
Application No. 11/504,967	:	LETTER REGARDING
Filed: August 15, 2006	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 088245-3357	:	

This is in response to the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT" filed June 26, 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 patent term adjustment is **GRANTED**.

The Office has updated the PALM and PAIR screens to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is three hundred and nine (309) days. A copy of the updated PALM screen, showing the corrected determination, is enclosed.

On April 3, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment is 407 days. On June 26, 2009, applicants submitted the instant comment. Applicants disclose that the patent term adjustment as indicated on the Notice of Allowance disagrees with Applicants' calculation of the patent term adjustment. Applicants do not state a basis for the request for review of the patent term adjustment.

The record reveals that applicants should have been assessed a delay under 37 CFR 1.704(b)[1] for filing a reply in excess of the three month period from the September 1, 2006, mailing date of the Notice to File Missing Parts of Non-Provisional Application. Thus, applicants failed to engage in reasonable efforts to conclude processing or examination of this application. Accordingly, the period of adjustment set forth in § 1.703 should have been reduced under 37 CFR 1.704(b) by 59 days, the number of days in the period beginning on the day after the date that is three months after the date of mailing of the Notice to File Missing Parts of Non-Provisional Application, December 2, 2006, and ending on the date the reply was filed, January 29, 2007. A period of reduction of 59 days will be entered, accordingly.

A review of the application history reveals that an Information Disclosure Statement (IDS) was filed on March 23, 2009, 39 days after a response to a non-final Office action was filed on February 12, 2009. 37 CFR 1.704(c)(8) provides that:

> (c) Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

---

[1] 37 CFR 1.704(b) states:

> With respect to the grounds for adjustment set forth in §§ 1.702(a) through (e), and in particular the ground of adjustment set forth in § 1.702(b), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph.

> (8) Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date the supplemental reply or other such paper was filed.

37 CFR 1.704(d) provides that:

> (d) A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable.

It is undisputed that the Information Disclosure Statement filed March 23, 2009, was filed 39 days after the non-final Office action was filed on February 12, 2009. The record does not support a conclusion that the Examiner expressly requested the filing of the IDS. Further review of the Information Disclosure Statement filed March 23, 2009, reveals that it did not include the proper statement under § 1.704(d). Accordingly, pursuant to 37 CFR 1.704(c)(8), a period of reduction of thirty-nine (39) days will be entered.

In view thereof, the determination of the patent term adjustment at the time of the mailing of the notice of allowance is three hundred and nine (309) days (407 days of Office delay - 98 (59 + 39) days of applicant delay).

As this letter was submitted as an advisement to the Office of an error in the calculation of the Patent Term Adjustment, the Office will not assess the $200.00 application fee under 37 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 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.

Telephone inquiries regarding this specific matter should be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM screen

Day : Monday
Date: 9/21/2009

PALM INTRANET

Time: 08:39:19

PTA Calculations for Application: 11/504967			
Application Filing Date:	08/15/2006	PTO Delay (PTO):	407
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	309
PTO Delay Adjustment:	-98		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
71	09/21/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		39	
70	09/21/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		59	
55	04/03/2009	MAIL NOTICE OF ALLOWANCE			
54	03/31/2009	ISSUE REVISION COMPLETED			
53	03/31/2009	DOCUMENT VERIFICATION			
52	03/31/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
51	03/31/2009	CASE DOCKETED TO EXAMINER IN GAU			
50	03/31/2009	EXAMINER'S AMENDMENT COMMUNICATION			
49	03/29/2009	NOTICE OF ALLOWABILITY			
48	03/23/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
47	12/16/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
43	03/23/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
42	03/21/2009	DATE FORWARDED TO EXAMINER			
41	02/12/2009	RESPONSE AFTER NON-FINAL ACTION			
40	12/16/2008	REFERENCE CAPTURE ON IDS			
39	12/16/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
38	12/16/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
37	11/25/2008	MAIL NON-FINAL REJECTION	407		-1
36	11/24/2008	NON-FINAL REJECTION			
29	12/20/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
		INFORMATION DISCLOSURE STATEMENT			

28	07/24/2007	CONSIDERED			
27	11/10/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
26	11/10/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
25	10/04/2008	CASE DOCKETED TO EXAMINER IN GAU			
24	09/24/2008	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
23	09/19/2008	CORRESPONDENCE ADDRESS CHANGE			
22	06/17/2008	CASE DOCKETED TO EXAMINER IN GAU			
21	06/10/2008	CASE DOCKETED TO EXAMINER IN GAU			
20	10/17/2007	WITHDRAW FLAGGED FOR 5/25			
19	10/15/2007	FLAGGED FOR 5/25			
18	07/24/2007	REFERENCE CAPTURE ON IDS			
17	07/24/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
16	07/24/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	05/17/2007	PG-PUB ISSUE NOTIFICATION			
14	03/14/2007	CASE DOCKETED TO EXAMINER IN GAU			
13	02/20/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
12	12/20/2006	REFERENCE CAPTURE ON IDS			
11.7	12/20/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	12/20/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	08/15/2006	PRELIMINARY AMENDMENT			
9	02/05/2007	APPLICATION DISPATCHED FROM OIPE			
8	02/05/2007	APPLICATION IS NOW COMPLETE			
7	01/29/2007	ADDITIONAL APPLICATION FILING FEES			
6	01/29/2007	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	01/29/2007	APPLICANT HAS SUBMITTED NEW DRAWINGS TO CORRECT CORRECTED PAPERS PROBLEMS			
3	08/22/2006	CLEARED BY OIPE CSR			
2	08/22/2006	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	08/15/2006	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

Mail Date: 04/21/2010

Applicant	: John B. Langley	: DECISION ON REQUEST FOR
Patent Number	: 7609712	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/504,967	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **382** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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RISSMAN JOBSE HENDRICKS & OLIVERIO, LLP
ONE STATE STREET
SUITE 800
BOSTON MA 02109

COPY MAILED

JUN 13 2007

OFFICE OF PETITIONS

In re Application of	:	
Wayne N. Collette et al.	:	
Application No. 11/505,022	:	DECISION ON PETITION
Filed: August 16, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. O0003/7004	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 31, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the applicant Valery Kagan declaring that she 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 1725 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

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RISSMAN JOBSE HENDRICKS & OLIVERIO, LLP
ONE STATE STREET
SUITE 800
BOSTON MA 02109

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JUN 13 2007

OFFICE OF PETITIONS

In re Application of	:	
Valery Kagan et al.	:	
Application No. 11/505,023	:	DECISION ON PETITION
Filed: August 16, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. O0003/7006	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 31, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the applicant Valery Kagan declaring that she 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 3742 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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NOV 17 2008

OFFICE OF PETITIONS

CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO CA 94303

In re Application of	:	
Andre GUEZIEC	:	
Application No. 11/505,048	:	DECISION ON PETITION
Filed: August 15, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. PA3901US	:	37 CFR 1.102(d)
	:	

This is a decision on the petition under 37 CFR §1.102(d), filed August 15, 2006, to make the above-identified application special based on actual infringement as set forth in M.P.E.P. § 708.02, Section II.

The petition is **DISMISSED.**

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

> (A) That there is an infringing device or product actually on the market or method in use;
>
> (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
>
> (C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.
>
> Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The instant petition fails to meet the requirements set forth above for special status because it lacks the required statement.

The statement of the assignee is not considered at this time to be a properly submitted statement. In this regard, not only does such statement not include (A), e.g. states instead "currently makes, uses, offers to sell <u>or</u> sells", but the statement contained in the petition is signed by Mr. Andre Gueziec, who is one of the applicants in the above-identified application. It is further noted that, in such statement filed with the petition, Mr. Gueziec is also stated to be the President and CEO of the assignee, Triangle Software LLC. Petitioner's attention is directed to 37 CFR 1.33(b), which states:

> Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
>
> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
>
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
>
> (3) An assignee as provided for under § 3.71(b) of this chapter; or
>
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

Therefore, as the statement is not signed by all the inventors and the record herein fails to disclose that petitioner herein Mr. Gueziec was ever given a power of attorney to act on behalf of the other inventors, **or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b)**, the petition is considered to not contain a proper statement. As it appears that Mr. Gueziec is signing on behalf of an assignee, compliance with 37 CFR 3.73(b) must be satisfied. In this regard, 37 CFR 3.73(b) provides:

> (1) In order to request or take action in a patent or trademark matter, the assignee must establish its ownership of the patent or trademark property of paragraph (a) of this section to the satisfaction of the Director. The establishment of ownership by the assignee may be combined with the paper that requests or takes the action. Ownership is established by submitting to the Office a signed statement identifying the assignee, accompanied by either:
>
> (i) Documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment from all theinventors to Triangle Software LLC). For patent matters only, the submission of the documentary evidence must be accompanied by a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or
>
> (ii) A statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).
>
> (2) The submission establishing ownership must show that the person signing the submission is a person authorized to act on behalf of the assignee by:

(i) Including a statement that the person signing the submission is authorized to act on behalf of the assignee; or

(ii) Being signed by a person having apparent authority to sign on behalf of the assignee, e.g., an officer of the assignee.

(c) For patent matters only:

(1) Establishment of ownership by the assignee must be submitted prior to, or at the same time as, the paper requesting or taking action is submitted.

(2) If the submission under this section is by an assignee of less than the entire right, title and interest, such assignee must indicate the extent (by percentage) of its ownership interest, or the Office may refuse to accept the submission as an establishment of ownership.

In view of the above, and as it appears that Mr. Gueziec is signing the statement as an assignee, then compliance with 37 CFR 3.73(b) must be satisfied. A blank certificate under 37 CFR 3.73(b) is enclosed with this decision for petitioner's convenience.

Furthermore, Mr. Kaslow is signing the petition with such statement by Mr. Gueziec as a registered patent attorney or patent agent not of record under the provisions of 37 CFR 1.34 discussed supra; however, Mr.Kaslow has not been given a power of attorney in this application.

In sum, petitioner must submit a petition containing a statement with (A)-(C) set forth above signed by all the inventors, unless petitioner or Mr. Gueziec herein is the assignee of the entire right, title and interest in the instant application, then compliance with 37 CFR 3.73(b) must be satisfied, which can be accomplished by completion of the enclosed certificate under 37 CFR 3.73(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop 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 K. Reichle at 571-272-6051.

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 2116 for action in its regular turn.

David Bucci
Petitions Examiner
Office of Petitions

Enclosure: Certificate under 37 CFR 3.73(b) and Privacy Act Statement

PTO/SB/96 (10-08)
Approved for use through 11/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: _____

Application No./Patent No.: _____ Filed/Issue Date: _____

Entitled:

_____, a _____
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest (The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy therefore is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

   The document was recorded in the United States Patent and Trademark Office at

   Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

   The document was recorded in the United States Patent and Trademark Office at

   Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

   The document was recorded in the United States Patent and Trademark Office at

   Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (*i.e.*, a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature	Date
Printed or Typed Name	Telephone Number
Title	

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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2200 GENG ROAD
PALO ALTO CA 94303

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OFFICE OF PETITIONS

In re Application of	:	
Gueziec et al.	:	
Application No. 11/505,048	:	DECISION ON PETITION
Filed: August 15, 2006	:	
Attorney Docket No. PA3901US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 9, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit Corrected Drawings on or before November 26, 2008, as required by the Notice of Allowability mailed August 26, 2008. Accordingly, the date of abandonment of this application is November 27, 2008. A Notice of Abandonment was mailed December 19, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Corrected Drawings; (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent and review of the Corrected Drawings submitted on January 9, 2009.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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OFFICE OF PETITIONS

QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

In re Application of :
Durga Prasad et al :
Application No. 11/505,050 : ON PETITION
Filed: August 15, 2006 :
Attorney Docket No. 030340C1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 2, 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 22, 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). Three month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is January 23, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810 and the submission required by 37 CFR 1.114; (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This application is being referred to Technology Center AU 2617 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Irvin Dingle
Petition Examiner
Office of Petitions

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GREENBERG TRAURIG, LLP (SV)
IP DOCKETING
2450 COLORADO AVENUE
SUITE 400E
SANTA MONICA CA 90404

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JUL 21 2009

OFFICE OF PETITIONS

In re Application of	:	
Eric Gerard et al	:	
Application No. 11/505,052	:	DECISION ON PETITION
Filed: August 15, 2006	:	
Attorney Docket No. 079149-200101/US	:	

This is a decision on the petition, filed June 8, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to reply to the Restriction Requirement mailed November 7, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on May 13, 2009.

Applicant asserts that a reply was not required to the restriction requirement mailed November 7, 2008, because applicant was granted an interview with the examiner on December 1, 2008 to discuss the restriction requirement and that in the interview, the examiner agreed to examine both Groups I and IV together based on applicant's argument that the steps recited in the method claims (Group I) and the system claims (Group IV) are identical. Petitioner submitted a copy of the restriction requirement mailed on November 7, 2008 and a copy of the Examiner's Interview Summary mailed on December 10, 2008.

Applicant's attention is directed to 37 CFR 1.133(b), which states:

(b) In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office actions as specified in §§ 1.111 and 1.135.

In view of the above, the petition to withdraw holding of abandonment under 37 CFR 1.181(a) is dismissed.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $1,620.00 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be 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/
Karen Creasy
Petitions Examiner
Office of Petitions

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SANTA MONICA CA 90404

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OFFICE OF PETITIONS

In re Application of	:	
Eric Gerard et al	:	
Application No. 11/505,052	:	DECISION ON PETITION
Filed: August 15, 2006	:	
Attorney Docket No. 079149-200101/US	:	

This is a supplemental decision on the petition, filed June 8, 2009, under 37 CFR 1.181(a) to Withdraw Holding of Abandonment.

The petition under 37 CFR 1.181(a) is **GRANTED**.

The application was held abandoned for failure to timely reply to the restriction requirement mailed November 7, 2008.

A communication to applicant was mailed on August 28, 2009, which stated: "At the interview December 1, 2008, when Examiner Malhotra agreed to examine both groups I and IV together during examination, the restriction was effectively withdrawn."

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center AU 3694.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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Gifford, Krass, Sprinkle, Anderson & Citkowski, P.C.
P.O. Box 7021
Troy, MI 48007-7021

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OFFICE OF PETITIONS

In re Application of
Arthur Vaysman
Application No. 11/505,063
Filed: August 16, 2006
Attorney Docket No. MTV-10203/29

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 19, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by John G. Posa on behalf of all attorneys/agents associated with customer number 25006. All attorneys/agents associated with customer number 25006 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Arthur Vaysman
2196 Heather Brook Court
San Jose, CA 95138

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
11/505,063	08/16/2006	Arthur Vaysman	MTV-10203/29

CONFIRMATION NO. 4694

POWER OF ATTORNEY NOTICE

25006
GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

OC000000034987442

Date Mailed: 03/13/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/19/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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CHEVRON CORPORATION
P.O. BOX 6006
SAN RAMON CA 94583-0806

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FEB 14 2008

In re Application of	:	
Orangi et al.	:	
Application Number: 11/505163	:	DECISION ON PETITION
Filing Date: 08/15/2006	:	
Attorney Docket Number: T-6582A	:	

This is a decision on the petition filed on September 10, 2007, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on October 31, 2006, for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application mailed on August 30, 2006, which set a two (2) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on May 9, 2007.

Receipt of the response to the declaration and surcharge filed with the present petition is acknowledged.

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The application is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

TROUTMAN SANDERS LLP
BANK OF AMERICA PLAZA
600 PEACHTREE STREET NE
SUITE 5200
ATLANTA GA 30308-2216

In re Application of	:	
Pulugurtha, et al.	:	
Application No. 11/505,201	:	ON PETITION
Filed: August 16, 2006	:	
Attorney Docket No. GTRC3569	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed October 21, 2009.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action, mailed January 2, 2009. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on April 3, 2009. The Office mailed a Notice of Abandonment on September 22, 2009.

With the instant petition, applicant made the proper statement of unintentional delay, paid the petition fee, and filed the required reply in the form of an Amendment.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application is being forwarded to Group Art Unit 2815 for consideration of the Amendment, filed October 21, 2009.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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GREENBERG TRAURIG, LLP (SV)
IP DOCKETING
2450 COLORADO AVENUE
SUITE 400E
SANTA MONICA, CA 90404

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JAN 11 2007

OFFICE OF PETITIONS

In re Application of
Ebbe Altberg, et al.
Application No. 11/505,225
Filed: August 15, 2006
Attorney Docket No. 76705-204401/US

DECISION GRANTING PETITION

This is a decision on the petition filed October 30, 2006, requesting that the above-identified application be accorded a filing date of August 15, 2006, instead of the presently accorded date of August 16, 2006.

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U. S. Postal Service (USPS) as Express Mail on August 15, 2006. The petition is accompanied by, inter alia, a copy of the USPS Track/Confirm record showing that the package bearing Express Mail label No. EV 903 246 121 US was accepted at the Palo Alto, CA location on August 15, 2006, at 5:27pm. The same Express Mail receipt number appears on the Application Transmittal Letter found in the file.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on August 15, 2006.

The petition is GRANTED.

The application is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **August 15, 2006**.

Telephone inquiries concerning this matter 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

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

ROBERT S. LIPTON, ESQUIRE
201 NORTH JACKSON STREET
P. O. BOX 934
MEDIA PA 19063-0934

COPY MAILED

FEB 2 0 2007

OFFICE OF PETITIONS

In re Application of	:	
PIASECKI, et al.	:	
Application No. 11/505,235	:	DECISION ON PETITION
Filed: August 16, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 5563-28	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 22, 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 Frank N. Piasecki, 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 3644 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FERNANDEZ & ASSOCIATES, LLP
P.O. BOX D
MENLO PARK CA 94026

MAILED

MAY 05 2010

OFFICE OF PETITIONS

In re Application of	:	
John William Stanton et al.	:	
Application No. 11/505,238	:	DECISION ON PETITION
Filed: August 15, 2006	:	TO WITHDRAW
Attorney Docket No. **MARKET-P001**	:	FROM RECORD
	:	

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 05, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request does not include an acceptable current correspondence address for future communications from the Office.

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: **RONALD GHEE JIN ONG**
MARKETMINDS, LLC
4249 RIVERMARK PARKWAY
SANTA CLARA, CA 95054

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

MAY 25 2010

OFFICE OF PETITIONS

FERNANDEZ & ASSOCIATES, LLP
P.O. BOX D
MENLO PARK CA 94026

In re Application of	:	
John William Stanton et al.	:	
Application No. 11/505,238	:	DECISION ON PETITION
Filed: August 15, 2006	:	TO WITHDRAW
Attorney Docket No. **MARKET-P001**	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 12, 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 Dennis Fernandez on behalf of all attorneys of record who are associated with customer No. 22877. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor John William Stanton at the address indicated below.

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: **JOHN WILLIAM STANTON**
MARKETMINDS, LLC
4249 RIVERMARK PARKWAY
SANTA CLARA, CA 95054

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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APR 1 0 2009

OFFICE OF PETITIONS

JACK FAIRES
7830 BRADBURN BLVD.
WESTMINSTER CO 80030

In re Application of	:
Jack Faires	: DECISION ON PETITION AND
Application No. 11/505,275	: REQUEST FOR REFUND
Filed: August 7, 2006	:
For: MAGNA EYE	:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), to revive the above-identified application and the Request For Refund filed March 17, 2008.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely pay the issue fee on or before December 22, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (2).

The Office is in receipt of the copy of the check for $770.00 submitted with the above petition. However, a review of the Office finance records does not show receipt of payment of $770.00 for the above petition.

As to the Request For Refund:

The request for refund submitted March 17, 2009, is granted and small entity status has been accorded.

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

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

JACK FAIRES
7830 BRADBURN BLVD.
WESTMINSTER CO 80030

MAILED

MAY 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Jack Faires	:	
Application No. 11/505,275	:	DECISION ON PETITION
Filed: August 7, 2006	:	
For: MAGNA EYE	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 12, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed September 22, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Data Management to be processed into a patent.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

JACK FAIRES
7830 BRADBURN BLVD.
WESTMINSTER CO 80030

MAILED

MAY 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Jack Faires	:	
Application No. 11/505,275	:	DECISION ON PETITION
Filed: August 7, 2006	:	
For: MAGNA EYE	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 12, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed September 22, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Data Management to be processed into a patent.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

JACK FAIRES
7830 BRADBURN BLVD
WESTMINSTER CO. 80030

11/505275

RECEIVED
MAY 20 2009
OFFICE OF PETITIONS

MAY 21 2009
TO;
KEREN CREASY
UNITED STATES PATENT OFFICE
(1) 571- 272-3208

DEAR KEREN,

I HOPE THIS NOTE IS FORWARDED TO YOU IN A PROMPT TIME, AS I AM ABOUT AT THE END OF MY ROPE, SO TO SPEAK, I HAVE COMPLIED WITH ALL OF YOUR OFFICES REQUESTS, ALONG WITH ADDITIONAL MONY, I SINCERELY HOPE SO; AS ITS HARD TO COME BY. KEREN MY PURPOSE FOR WANTING THIS PATENT IS PRYMARELY FOR OUR INGURED VETERANS, AND PERSONS SIXTY FIVE, AND OLDER IN AGE. THE NATIONAL EYE INSTITUTE, SAYS 43% OF PERSONS IN THIS CATAGOREY IS GONG BLIND FROM A DISEASE, CALLED MACULAR DEGENERATION, ASPLITTNG OF YOUR RETINA, IT' S THE LENS , THAT TRANSMITTS I AGES YOU SEE TO THE BRAIN, AT PRESENT , THERE IS NO CURE WHAT SO EVER. SOYOU SEE KAREN, I HAVE BEEN WORKING ON THIS A LONG TIME, YOU SEE I TOO HAVEMACULAR DEGENERATION MYSELF, LORD, ITS NO FUN, O HOW WELL I KNOW. SEE WHAT YOU CAN DO, FOR ME, YOU DON' TKNOW HOW MUCH IT WILLHELP UNTOLD AMOUNT OF PEOPLE,IF YOU C0ULD AND REALLY WANT TO. THE FIRST TIME I TRAVAL BACK YOUR WAY, I' WILL MAKE IT A POINT TO LOOK YOU UP, SO HELP, I WILL

Jack Faires

VERY , VERY TRULY YOURS KEREN

JACK
1-303-429-1406, MY TELE

RECEIVED
MAY 2 0 2009
OFFICE OF PETITIONS

IT HAS BECOME MY FERVENT DESIRE , WHEN , AFTER BEING DIAGNOSED AT THE EYE CLINIC HERE IN DENVER, COLORADO AT THE VETERANS HOSPITAL OF A DESEASE OF THE EYES CALLD MACULAR DEGENERATION, OF THE RETINA, THE INTERIOR LINING OF THE EYE. A PERSON SO AFFLICTED PROGRESSIVLY LOSES THE SIGHT, THUS YOU BECOME TOTALLY BLIND, IN WHICH AT PRESENT CONDITION, THERE IS NO KNOWN CURE, PRESIDENT GEORE W. BUSH REFUSED RESEARCH WITH STEM-CELL TECNOLAGY THUS, IT IS THE USE OF LIVE CELLS FROM THE FETUS OF A HUMAN BEING,.I AM NOT BLESSED WITH THAT KIND OF TECHNOLIGY, SO WE LIVE AS LIFE HAS BLESSED IUS, SO BE IT.

THE NATIONAL EYE INSTITUTE IN 7HERE RESEARCH IT HAS BECOME A KNOWN FACT, THAT 43% OF PERSONS OVER 55 YEARS OF AGE WILL BECOME AFFLICTED WITH MACULAR- DEGENERATION,ASI TRAVAL MY ROAD.

I HAVE ATTEMPTED TO HELP THE VAST AMOUNT OF PERSON TO GET SOME RELEIF, I HAVE INVENTED A VIEWER- MAGNAFIER, THAT WILL SET ON A DESK,OR TABLE WITH APPROXIMATLY SIX POWER MAGNAFICATION, THEREARE ON TWO MOVING PARTS, THE HINGE AND THE LIGHT SWITCH. IT MAKES FOR A BENAFIT FOR PERSONS TO SEE (NOT COMPLICATED THE LENS MEASURES, 9X12 INCHES , HOUSED IN A STURDY ALUMINUM WELDED FRAMEWORK (VERY STURDY). IT HAS A POWDER COATED FINISH. MY PRIMARY TASK IS TO INTRODUCE MY PATENTED INVENTION, TO THE VARIOUS VETERANS HOSPITALS, AS THERE ARE THVETS DESERVE ALL THE HELP POSSIBLE. C OSTWISE, THE SAVEINGS, WILL BUY A HUGE AMOUNT OF BANDAGES, SO TO SPEAK

YOURS TRULY
JACK FAIRES

RECEIVED

MAY 2 0 2009

OFFICE OF PETITIONS

IT HAS BECOME MY FERVENT DESIRE , WHEN , AFTER BEING DIAGNOSED AT THE EYE CLINIC HERE IN DENVER, COLORADO AT THE VETERANS HOSPITAL OF A DESEASE OF THE EYES CALLD MACULAR DEGENERATION, OF THE RETINA, THE INTERIOR LINING OF THE EYE. A PERSON SO AFFLICTED PROGRESSIVLY LOSES THE SIGHT, THUS YOU BECOME TOTALLY BLIND, IN WHICH AT PRESENT CONDITION, THERE IS NO KNOWN CURE, PRESIDENT GEORE W. BUSH REFUSED RESEARCH WITH STEM-CELL TECNOLAGY THUS, IT IS THE USE OF LIVE CELLS FROM THE FETUS OF A HUMAN BEING,.I AM NOT BLESSED WITH THAT KIND OF TECHNOLIGY, SO WE LIVE AS LIFE HAS BLESSED IUS, SO BE IT.

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JACK FAIRES
7830 BRADBURN BLVD
WESTMINSTER, CO. 80030

MAY 7, 2009

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MAY 2 0 2009
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TO;
THE UNITED STATES TRADEMARK, / PATENT OFFICE
PETITIONS
COMMISSIONER FOR PATENTS
POST OFFICE BOX 1450
ALEXANDRIA VA. 2313 - 1450

DEAR SIR, OR MS WHAT EVER

ENCLOSED, PLEASE FIND A COPY OR REINSTATEMENT(CFR1.137 (B)
IN THE AMOUNT OF $810.00 (SMALL ENTITY,
ALSO A PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT,
ABANDED UNINTENTIONALLY UNDER , 37 CFR1.137(B).

ALSO A DISCLAIMER FEE, WHICH IS PART OF $810.00, AS SO STATED IN REAPPLICATION.
THIS LETTER IS WRITTEN TO REDEEM MY INTENTION OF FINALLY SECURING MY PATENT, AGAIN. YOU DO HAVE SOMEGOOD PEOPLE EMPLOID, BUT SOME REAL DUDES I WILL HUSH UP FOR THE GOOD OF THE BETTER.

SINCERELY YOURS
EXCUSE THE BOLD PRINT, AS I HAVE NACULAR DE GENERATION, OF THE EYES, I AM GOING BLIND, EXCUSE PLEASE

INITIAL SCREENING OF INCOMING PAPERS CHECKLIST

Reviewer: CB Date: 5/20/09 Duplicate ???

APPLICATION NO. 11/505275

1. PETITION TYPE CODE

____R137(a) Petition — 501

____R137(a) Petition (Issue Fee/Dwgs) — 509

____R137(b) Petition — 502

____R137(b) Petition (IFEE/DWG) — 510

____R53(e) Filing Date — 412

____R137(f) Petition — 536

____R183 Pet. (waive R67 sup. dec.) - 516

____R182 Petition–(inv. name chg., order of inv., atty/assig. name chg., dup. let. pat.) — 519

____R182 Petition – (omit items w/postcard) — 520

____R183(susp./waive ex. rule, R59) — 503

____R378(b/e) Petition — 532

____R378(c) Petition — 533

____R377 Petition — 521

____R3.81(b) Petition — 523

____R181 Petition (rev. non-exam) — 515

____R181 Petition (rev.exam) — 504

PETITION TYPE CODE

____R28c Petition (small to large) — 321

____R28c Petition (large to small) — 320

____R47 Petition — 313

____R53 Petition(Lost App., postcard rec., inc. by ref., conversions, misnum/mislabel. dwgs — 408

____R10(d) Exp. Mail FD (USPS) — 411

____R10(c/e) Exp. Mail FD — 416

____R53 Pet. conv. to/from prov. — 527

____R78(a)(3)/(6)Petition — 535

____R55(c) Petition — 535

____R55(a) Petition — 507

____R183 Petition (corr.data 85b/pat) — 538

____R314 Petition — 508

____Pet. W/D Abn — 525

____R705(b) PTA-Bef iss — 550

____R705(d) PTA-Aft iss — 551

____R705(c) Reinstate red. term. — 552

____R701 PTE — 553

____Other ____

2. LIST PAPERS FILED WITH PETITIONS

____PreAmdt/Amdt
____Filing Fees
____Reply/Arguments
____Election
____Notice of Appeal
____Brief (3)
____Reply Brief
____Declaration R132
____CPA
____RCE
____IDS
____129(a) Submsn
____Issue Fee
____Drawings
____Oath/Decl & POA
____Ext Time (____)
____Associate POA
____Terminal Disclaimer
____Change of Address
____Revocation/POA
____Priority Documents
____Request C of C
____Rule 312 Amdt
____Statement 3.73b

Other Papers ____

3. Is paper a petition to withdraw holding of abandonment: ____yes____no
If so, send paper and/or file to appropriate location *(Note: remove any flag set first)*:

a. Nonreceipt of action from TC or assertion that reply was timely filed:
Send paper to TC____

b. Nonreceipt of Missing Parts Notice or assertion that reply was timely filed:
Send paper to -OIPE - -CP2-5B26- - ATTN: Doshie Day

c: Assertion of timely payment of issue fee and/or submission of drawings:
Send petition to Office of Publications: ATTN: Tom Hawkins

d. Other____

4. Other:____
If not handled in Office of Petitions, send paper to appropriate location.

5. Is petition accompanied by assignment papers, fee address, or other paper which needs to be sent to another location? ____ yes ____ no If so, make copy of assignment papers, fee address, or other paper; mail original to proper location and place copy in file with an indication that the original paper(s) has been forwarded to the appropriate location (Assignment Branch; Maintenance

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Alexandria, VA 22313-1450
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APR 29 2010

OFFICE OF PETITIONS

ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

In re Patent No. 7,592,734	:	
Issue Date: September 22, 2009	:	
Application No. 11/505,295	:	DECISION ON PETITION
Filed: August 17, 2006	:	
Attorney Docket No.: 550.46523X00	:	

This is a decision on the Petition For Suspension Of The Rules And Certificate Of Correction Under 37 CFR 1.323, filed November 4, 2009 to correct the first and third assignees' name on the PTOL-85B. A completed Certificate of Correction Form (PTO/SB/44) was submitted with petition.

The petition for a waiver of 37 CFR 3.81 is **GRANTED**.

Petitioner urges that the present Petition was submitted to correct first and third assignees' name on the previously submitted PTOL-85B and that such error to be corrected was inadvertently. Accordingly, petitioner requests that a Certificate of Correction be issued to correct the inadvertent first and third assignees' name and residence to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The requisite $100.00 fee (Fee Code 1811) as set forth under 37 CFR 1.20(a) and the requisite $130.00 processing fee (Fee Code 1464) as set forth under 37 CFR 1.17(i) were submitted with the Petition. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate

for the Office to issue a Certificate of Correction in accordance with the content of the Form PTO/SB/44 that accompanied the present Petition.

Inquiries related this communication should be directed to Cheryl Gibson-Baylor at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,592,734.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY – 12TH FLOOR
NEW YORK, NY 10036

COPY MAILED

JUL 19 2007

OFFICE OF PETITIONS

In re Application of	:	
James T. Dalton et al	:	
Application No. 11/505,363	:	DECISION ON PETITION
Filed: August 17, 2006	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. P-7872-US4	:	

This is a decision on the petition treated under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed April 17, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of priority to the prior-filed applications (nonprovisional Application No. 11/013,214, filed December 16, 2004, and provisional Application No. 60/529,573, filed December 16, 2003). An amendment to add the aforementioned applications to the first line of the specification accompanies the petition.

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. 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 (iii) and 1.78(a)(5)(i) and (iii) 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.

This petition fails to satisfy item (3) above. In this regard, the petition fails to include the required statement of unintentional delay. Accordingly, petitioner must submit 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."

In a perusal of the claim for benefit of the prior-filed applications filed with this application, it appears that all the prior-filed applications in this application are not present in the record for Application No. 11/353,225; namely, Application Nos. 10/371,213 and 10/270,232. Compare the prior-filed applications in this application with the prior-filed applications in Application No.

11/353,225. Where an application claims a benefit under 35 U.S.C. 120 of a chain of applications, the application must make a reference to the first (earliest) application and every intermediate application. *See* Sampson v. Ampex Corp., 463 F.2d 1042, 1044-45, 174 USPQ 417, 418-19 (2d Cir. 1972); Sticker Indus. Supply Corp. v. Blaw-Knox Co., 405 F.2d 90, 93, 160 USPQ 177, 179 (7th Cir. 1968); Hovlid v. Asari, 305 F.2d 747, 751, 134 USPQ 162, 165 (9th Cir. 1962). See also MPEP § 201.11. In addition, every intermediate application must also make a reference to the first (earliest) application and every application after the first application and before such intermediate application. MPEP Section 201.06(d). Petitioner should review the claim submitted to ensure that a reference is made to the first application and to each and every intermediate application.

If reconsideration of this decision is desired, a renewed petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) must be submitted.

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 regarding this decision may also be filed through the Electronic Filing System of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

Any questions concerning this matter may be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON, DC 20006

Mail Date: 05/21/2010

Applicant	: Soo-hyun Kim	: DECISION ON REQUEST FOR
Patent Number	: 7645038	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/505,434	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **541** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Hoffman, Wasson & Gltler, P.C.
2461 South Clark Street, Suite 522
Arlington VA 22202

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OFFICE OF PETITIONS

In re Application of	:	
LEMKIN	:	
Application No. 11/505,444	:	DECISION ON PETITION
Filed: August 17, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. A-10085	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 13, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes the driver's license and birth certificate of inventor Jack L. Lemkin, 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 1722 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

Docket No. 031889-4100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	)	
Lawnie H. TAYLOR	)	Group Art Unit: 1751
Serial No.: Not Yet Assigned 11/505445	)	Examiner: Charles I. Boyer
Filed: August 17, 2006	)	
For: METHODS AND EQUIPMENT FOR REMOVING STAINS FROM FABRICS	)	Date: August 17, 2006

PETITION TO MAKE APPLICATION SPECIAL UNDER 37 C.F.R. § 1.102

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully submits that the instant invention be made special pursuant to the ground set forth below. In particular, Applicant's representative hereby states that the age of the applicant herein (Taylor) is over sixty-five (65) years old, more particularly, eighty-three (83) years old. Enclosed is a photocopy of a driver's license of the inventor of the above-identified invention, i.e., Lawnie H. Taylor, whose Maryland driver's license lists a birth date of March 21, 1923.

Pursuant to 37 C.F.R § 1.102, particularly, section (c), Applicant respectfully requests to make special the above-identified application and advance it out of turn for examination.

Should the Petitions Examiner not deem the evidence on Mr. Taylor's age substantive, Applicant respectfully requests that the Examiner contact Applicant's representative designated below.

The Examiner is invited to contact Applicant's representative, designated below, to further the issues in this Petition and/or advance the case on the merits. Although the instant petition is not subject to a fee, the Commissioner is authorized to charge any Petition fee to Deposit Account No. 19-2380 (031889-4100) should a fee be necessary.

Respectfully submitted,

Raymond Van Dyke
Registration No. 34,746

NIXON PEABODY LLP
Suite 900, 401 9th Street, N.W.
Washington, D.C. 20004-2128
(202) 585-8000

5698770.1

PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700
SEP 19 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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MORRIS E. LEWIS
6014 JOYCE DRIVE
CAMP SPRINGS, MD 20784

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MAR 16 2007

OFFICE OF PETITIONS

In re Application of Morris Edward Lewis Application No. 11/505,484 Filed: 08/17/2006 Title of Invention: METHOD, APPARATUS AND PROCESS FOR REAL-TIME INTERACTIVE ONLINE ORDERING AND RE-ORDERING AND OVER THE COUNTER PURCHASING WITH REBATE, SAVING, AND INVESTMENT PROCESSES	:	ON PETITION

This is a decision on the "Petition to Commissioner" filed November 24, 2006, requesting the application be accorded a filing date of August 17, 2006, including Figure 1 described in the specification. The Petition is properly treated as a petition under 37 CFR 1.182.

Background

The application was filed on August 17, 2006. On September 27, 2006, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application (hereinafter "Notice") stating that the application had been accorded a filing date; however, Figure 1 described in the specification appeared to have been omitted from the application.

The present petition

Applicant responds with the present petition wherein Applicant asserts a strong belief that Figure 1 was part of the application as originally filed. In support of this assertion, Applicant filed a copy of the Utility Patent Application Transmittal Form and avers that the Transmittal Form contains a USPTO Date Stamp evidencing receipt by this Office of 18 sheets of drawings.

The Notice

As provided in the Notice and the MPEP

> The mailing of a "Notice of Omitted Items" will permit the applicant to either:
> (A) promptly establish prior receipt in the USPTO of the page(s) at issue

> (generally by way of a date-stamped itemized postcard receipt (MPEP § 503)); or (B) promptly submit the omitted page(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the page(s) was in fact deposited in the USPTO with the application papers must, within 2 months from the date of the "Notice of Omitted Item(s)", file a petition under 37 CFR 1.53(e) with the petition fee set forth in 37 CFR 1.17(f), along with evidence of such deposit (37 CFR 1.181(f)). The petition fee will be refunded if it is determined that the page(s) was in fact received by the USPTO with the application papers deposited on filing. An applicant desiring to submit the omitted page(s) in a nonprovisional application and accept the date of such submission as the application filing date must, within 2 months from the date of the "Notice of Omitted Item(s)," file any omitted page(s) with an oath or declaration in compliance with 37 CFR 1.63 and 37 CFR 1.64 referring to such page(s) and a petition under 37 CFR 1.182 with the petition fee set forth in 37 CFR 1.17(f), requesting the later filing date (37 CFR 1.181(f)).

MPEP 601.01(d)

The MPEP further provides

> If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item.
>
> The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all items listed thereon on the date stamped thereon by the USPTO.

Analysis and conclusion

Applicant has failed to demonstrate that Figure 1 was present on filing. The Transmittal Form serves only as evidence of what was intended to be filed by Applicant. Applicant's recollection of events that occurred more than three months prior to the filing of the petition is not more persuasive than the application file.

The petition under 37 CFR 1.182 to establish receipt in the Office of the drawing Figure is dismissed.

Applicant may attempt entry of the Figure by way of a preliminary amendment. The issue of new matter is appropriately addressed by the Examiner.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of August 17, 2006, using the application papers filed on that date.

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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THAMAS J. PERKOWSKI, ESQ., P.C.
SOUNDVIEW PLAZA
1266 EAST MAIN STREET
STAMFORD, CT 06902

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OFFICE OF PETITIONS

In re Application of	:	
Wilz et al.	:	
Application No. 11/505,489	:	DECISION ON PETITION
Filed: August 15, 2006	:	
Attorney Docket No. 108-203USANA0	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 28, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before March 7, 2008, as required by the Notice of Allowance and Fee(s) Due mailed December 7, 2007. Accordingly, the date of abandonment of this application is March 8, 2008. A Notice of Abandonment was mailed April 7, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,440.00 and the publication fee of $300.00, (2) the petition fee of $1,540.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

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FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE WI 53202-5306

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JUN 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Weber	:	
Application No. 11/505,510	:	ON APPLICATION FOR
Filed: August 17, 2006	:	PATENT TERM ADJUSTMENT
Atty Docket No. 012474-0143	:	

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR PATENT APPLICATION UNDER 37 CFR § 1.705(b), filed April 27, 2010. Applicant submits that the correct patent term adjustment to be indicated on the patent is nine hundred eighty-six (986) days[1], not five hundred ninety-three (593) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

[1] This calculation is based on a projected publication date of September 14, 2010.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that he may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[2].

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

---

[2] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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RAJ ABHYANKER, LLP
C/O INTELLEVATE
P.O. BOX 52050
MINNEAPOLIS, MN 55402

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OFFICE OF PETITIONS

In re Application of
Anthony J. TURIELLO
Application No. 11/505,525
Filed: August 16, 2006
Attorney Docket No. 00030.00007US1

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 6, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the attorneys of record were not appointed by customer number.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There are no outstanding Office actions pending at the present time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: RESCUE AIR SYSTEM, INC.
751 LAUREL STREET, #416
SAN CARLOS, CA 94070

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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C/O INTELLEVATE
P.O. BOX 52050
MINNEAPOLIS, MN 55402

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JAN 28 2008

OFFICE OF PETITIONS

In re Application of	:	
Anthony J. TURIELLO	:	
Application No. 11/505,538	:	DECISION ON PETITION
Filed: August 16, 2006	:	TO WITHDRAW
Attorney Docket No. 00030.00008US1	:	FROM RECORD
	:	

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 6, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the attorneys of record were not appointed by customer number.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There are no outstanding Office actions pending at the present time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: RESCUE AIR SYSTEM, INC.
751 LAUREL STREET, #416
SAN CARLOS, CA 94070

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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Stolowitz Ford Cowger LLP
621 SW Morrison St
Suite 600
Portland, OR 97205

Mail Date: 04/21/2010

Applicant	: Chui-Kuei Chiu	: DECISION ON REQUEST FOR
Patent Number	: 7643697	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/505,550	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **120** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/505,560	08/16/2006	Seshadri Srinivasan	2006P11044US	5851

28524 7590 04/29/2009
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER
FONTENOT, NIGEL RAI

ART UNIT	PAPER NUMBER
3768	

MAIL DATE	DELIVERY MODE
04/29/2009	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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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

Applicant: Srinivasan et al.
Appl. No.: 11/505,560
Filing Date: August 16, 2006
Title: AUTOMATIC IDENTIFICATION OF ORIENTATION IN MEDICAL DIAGNOSTIC ULTRASOUND
Attorney Docket No.: 2006P11044US
Pub. No.: US 2008/0097212 A1
Pub. Date: April 24, 2008

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on October 17, 2008, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a). The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission. 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.

Tammy J. Koontz
Program & Management Analyst
Office of Data Management

04/30/2009 KKING1 00000001 192179 11505560

01 FC:1803 130.00 DA

Adjustment date: 04/30/2009 KKING1
10/17/2008 CCHAU1 00000007 192179 11505560
01 FC:1504 300.00 CR

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UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

Mail Date: 04/21/2010

Applicant	: Nadir Sezgin	: DECISION ON REQUEST FOR
Patent Number	: 7596105	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/505,575	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **317** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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KING & SCHICKLI, PLLC
247 NORTH BROADWAY
LEXINGTON KY 40507

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DEC 2 1 2006

OFFICE OF PETITIONS

In re Application of :
Hinshaw et al. :
Application No. 11/505,584 :
Filing or 371(c) Date: 08/17/2006 :
Title of Invention: :
AUTOMATED, LOW PROFILE :
DRILLING/BOLTING MODULE :
WITH GRIPPER :

ON PETITION

This Decision is in response to a "Petition Under 37 CFR 1.53(e) for Review of Refusal to Accord an Application a Filing Date", filed September 22, 2006, requesting that the application be accorded a filing date of August 17, 2006, including Figures 16a - 16d.

Background

Application papers in the above-identified application were deposited on August 17, 2006. This Office mailed a Notice of Omitted Item(s) in a Nonprovisional Application (Notice) on September 5, 2006, informing Applicant that the a filing date had been accorded the application; however, Figures 16a-16d described in the specification appeared to have been omitted from the application.

The present petition

In response to the Notice, Applicant files the present petition and avers that drawing Figures 16a-16d were included among 19 pages of drawings filed with the application on August 17, 2006. In support of this assertion, Applicant files a copy of his return-receipt postcard.

Applicant's return receipt postcard

A review of the postcard reveals that this Office acknowledged receipt of "19 No. of Dwgs. Formal", in the above-identified application on August 17, 2006.

The application file

A review of the application file reveals that this Office received 19 pages of drawings including

Page 1:	Figures 1 and 2
Page 2:	Figures 3, 4 and 5
Page 3:	Figure 5a
Page 4:	Figures 6 and 7
Page 5:	Figures 8 and 9
Page 6:	Figure 10
Page 7:	Figure 11
Page 8:	Figure 12
Page 9:	Figure 13
Page 10:	Figure 14
Page 11:	**Figures 15a, 15b and 15c**
Page 12:	**Figures 15a, 15b and 15c**
Page 13:	Figures 17a, 17b and 17c
Page 14:	Figures 18a, 18b and 18c
Page 15:	Figure 19
Page 16:	Figure 20
Page 17:	Figure 21
Page 18:	Figure 22
Page 19:	Figures 23a, 23b, 23c, 23d and 23e

(Emphasis supplied)

Applicant is advised that this Office received 19 pages of drawings. The postcard acknowledged receipt of 19 drawings. Applicant also avers in the present petition that 19 pages of drawings were itemized. The drawing Figures were not itemized.

The MPEP provides:

> The postcard receipt will not serve as prima facie evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard.

(Emphasis supplied).

The USPTO file is the official record of the papers actually received or filed. In this instance, Applicant filed, and this Office received, 19 pages of drawings. Applicant has failed to demonstrate that Figures 16a – 16d were present in this Office on August 17, 2006.

Applicant may attempt entry of the drawing Figures by was of preliminary amendment. The issue of new matter is appropriately addressed by the Examiner.

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

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247 NORTH BROADWAY
LEXINGTON, KY 40507

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JUN 26 2008

OFFICE OF PETITIONS

Applicant: Hinshaw et al.
Appl. No.: 11/505,584
Filing Date: August 17, 2006
Title: AUTOMATED, LOW PROFILE DRILLING BOLTING MODULE WITH GRIPPES
Attorney Docket No.: 450-038F
Pub. No.: 2007-0098505-A1
Pub. Date: May 3, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on May 31, 2007, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

It would greatly benefit the Office if the request for corrected publication pointed out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted

Inquiries relating to this matter may be directed to Mark O. Polutta at (571) 272-7709.

Mark O. Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Alexandria, VA. 22313-1450
WWW.USPTO.GOV

MORGAN, LEWIS & BOCKIUS LLP
One Market, Spear Street Tower
San Francisco, CA 94105

Date: January 25, 2010
Application No. 11/505,591
Filed: August 16, 2006
Subject: **BORON-CONTAINING SMALL MOLECULES**

ON PETITION
37 CFR 1.48(b)

Receipt is acknowledged of the petition filed February 24, 2009 under 37 CFR 1.48(b) for correction of inventorship. The petition has been **GRANTED**.

In view of the papers filed, it has been found that during the prosecution of the instant application a restriction was required and therefore, not all of the inventors contributed to the invention as now claimed. Accordingly, this application has been changed by the **deletion of the inventors Michael Richard Kevin Alley, Steven J. Benkovic, Michael DiPierro, Isaac Kennedy, Igor Likhotvorik, Weimin Mao, Femando Rock, Aaron Stemphoski, George Petros Yiannikouros, Siead Zegar, and Huchen Zhou.** The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of the file jacket and PTO PALM data to reflect the inventorship as corrected.

/Joseph K. McKane/
JOSEPH K. MCKANE
United States Patent and Trademark Office
Technology Center 1600
SPE, ART UNIT 1626
Remsen 5A05
571-272-0699

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MORGAN, LEWIS & BOCKIUS LLP (SF)
ONE MARKET, SPEAR STREET TOWER, SUITE 2800
SAN FRANCISCO CA 94105

MAILED

JUN 16 2010

OFFICE OF PETITIONS

In re Application
Stephen J. Baker et al.
Application No. 11/505,591
Filed: August 16, 2006
Attorney Docket No.
064507-5014-US01

: DECISION ON APPLICATION
: FOR PATENT TERM ADJUSTMENT

This is in response to the PETITION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705(b) filed November 5, 2009. Applicant requests that the determination of patent term adjustment be corrected from 179 days to 300 days. Applicant requests this correction in part on the basis that the Office will take in excess of three years to issue this patent and in light of the recent court decision in Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008).[1]

To the extent that this application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment

[1] Reconsidered in light of the Court of Appeals for the Federal Circuit's decision in *Wyeth v. Kappos*, 2009-1120 (Fed. Cir. 1-7-2010).

and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss such a request as premature.

With respect to the over 3 year calculation, rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee.

To the extent that applicant otherwise requests correction of the patent term adjustment at the time of the mailing of the Notice of Allowance, the application for patent term adjustment is **GRANTED**.

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 one hundred sixteen (116) days including one hundred forty-five days for applicant delay. A copy of the updated PALM screen, showing the correct determination, is enclosed.

The instant application for patent term adjustment was timely filed[2] on or before payment of the issue fee.

On August 7, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b)in the above-identified application. The Notice stated that the patent term adjustment to date is 179 days. Applicants state that a response was due by January 5, 2007 to the Notice to File Missing Parts mailed October 5, 2006, however the response was not filed until March 9, 2007, thus an additional 63 days of Applicant delay should have been deducted from the total Patent Term Adjustment.

Pursuant to 37 CFR 1.704(b), a period of reduction of 145 days should have been entered. 37 CFR 1.704(b) provides that:

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[2] PALM records indicate that the issue fee was paid on November 6, 2009.

> With respect to the grounds for adjustment set forth in §§ 1.702(a) through (e), and in particular the ground of adjustment set forth in § 1.702(b), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph.

In this instance, applicants did fail to engage in reasonable efforts to conclude processing of the application by failing to reply to the Notice to File Missing Parts of Application mailed October 5, 2006 within the three-month period provided for in 37 CFR 1.704(b). Applicants did not file a complete and proper response until March 9, 2007. Accordingly, a period of reduction of 63 days is being entered for the period beginning on January 6, 2007, the day after the date that is three months after the date of mailing of the Notice, and ending on March 9, 2007, the date applicants' reply was filed. Accordingly, a period of reduction of 63 days is being entered.

In view thereof, the determination of Patent Term Adjustment at the time of the mailing of the notice of allowance is ONE HUNDRED SIXTEEN (116) days (261 days of Office delay reduced by 145 (63+ 61 + 21) days of applicant delay).

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) which has been charged to deposit account no. 50-0310. No additional fees are required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified 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 Patricia Faison-Ball at (571) 272-3212.

Anthony Knight
Director
Office of Petitions

Enclosure: Copy of Revised PALM Screen

Day : Tuesday
Date: 6/15/2010

PALM INTRANET

Time: 14:07:41

PTA Calculations for Application: 11/505591			
Application Filing Date:	08/16/2006	PTO Delay (PTO):	261
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	82
Post-Issue Petitions:	0	Total PTA (days):	116
PTO Delay Adjustment:	-63		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
67	06/15/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		63	
51	08/07/2009	MAIL NOTICE OF ALLOWANCE			
50	08/05/2009	ISSUE REVISION COMPLETED			
49	08/05/2009	DOCUMENT VERIFICATION			
48	07/28/2009	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
47	07/28/2009	AMENDMENT CROSSED IN MAIL			
46	07/31/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
45	07/31/2009	NOTICE OF ALLOWABILITY			
43	06/02/2009	DATE FORWARDED TO EXAMINER			
42	05/18/2009	RESPONSE AFTER NON-FINAL ACTION		21	40
41	05/18/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
40	01/27/2009	MAIL NON-FINAL REJECTION			
39	01/23/2009	NON-FINAL REJECTION			
34	05/07/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
33	06/21/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
32	12/05/2008	MISCELLANEOUS INCOMING LETTER			
30	12/05/2008	DATE FORWARDED TO EXAMINER			
29	12/03/2008	RESPONSE TO ELECTION / RESTRICTION FILED		61	26
28	12/03/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
26	07/03/2008	MAIL RESTRICTION REQUIREMENT	261		-1
25	07/01/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
22	01/11/2008	MISCELLANEOUS INCOMING LETTER			

21	08/16/2007	CASE DOCKETED TO EXAMINER IN GAU			
20	07/05/2007	PG-PUB ISSUE NOTIFICATION			
19	06/21/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	06/21/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	05/07/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
16	05/07/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	04/23/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
14	03/09/2007	PRELIMINARY AMENDMENT			
13	04/17/2007	APPLICATION DISPATCHED FROM OIPE			
12	03/26/2007	SENT TO CLASSIFICATION CONTRACTOR			
11	03/26/2007	APPLICATION IS NOW COMPLETE			
10	03/09/2007	ADDITIONAL APPLICATION FILING FEES			
9	03/09/2007	A SET OF SYMBOLS AND PROCEDURES, PROVIDED TO THE PTO ON A SET OF COMPUTER LISTINGS, THAT DESCRIBE IN			
8	03/09/2007	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
7	03/09/2007	A SET OF SYMBOLS AND PROCEDURES, PROVIDED TO THE PTO ON A SET OF COMPUTER LISTINGS, THAT DESCRIBE IN			
6	03/20/2007	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
4	08/24/2006	CLEARED BY OIPE CSR			
3	08/24/2006	CASE CLASSIFIED BY OIPE			
2	08/22/2006	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	08/16/2006	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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RAJ ABHYANKER, LLP
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MINNEAPOLIS, MN 55402

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JAN 28 2008

OFFICE OF PETITIONS

In re Application of	
Anthony J. TURIELLO	
Application No. 11/505,597	DECISION ON PETITION
Filed: August 16, 2006	TO WITHDRAW
Attorney Docket No. 00030.00003US1	FROM RECORD

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 6, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the attorneys of record were not appointed by customer number.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There are no outstanding Office actions pending at the present time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: RESCUE AIR SYSTEM, INC.
751 LAUREL STREET, #416
SAN CARLOS, CA 94070

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JAN 28 2008

OFFICE OF PETITIONS

In re Application of	:	
Anthony J. TURIELLO	:	
Application No. 11/505,599	:	DECISION ON PETITION
Filed: August 16, 2006	:	TO WITHDRAW
Attorney Docket No. 00030.00004US1	:	FROM RECORD
	:	

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 6, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the attorneys of record were not appointed by customer number.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There are no outstanding Office actions pending at the present time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: RESCUE AIR SYSTEM, INC.
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Raj Abhyanker LLP
1580 West, El Camino Real, Suite 8
Mountain View CA 94040

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OFFICE OF PETITIONS

In re Application of	:	
Anthony J. Turiello	:	
Application No. 11/505,599	:	DECISION ON PETITION
Filed: August 16, 2006	:	
Attorney Docket No. 00030.00004US1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 2, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure s to timely pay the issue and fee on or before , as required by the Notice of Allowance and Fee(s) Due, mailed August 11, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on November 13, 2009. The Notice of Abandonment was mailed November 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 issue fee, (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 the Office of Data Management for processing into a patent.

Terri Johnson

Terri Johnson
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Mitch Junkins
Application No. 11/505,602
Filed: August 17, 2006
Attorney Docket No. STYL0217PUSP

DECISION DISMISSING PETITION

This is a decision on the petition filed October 27, 2006, in response to the "Notice Of Omitted Item(s) in a Nonprovisional Application" (Notice) mailed September 1, 2006. The response is treated as a petition under 37 CFR 1.182.

The petition is **DISMISSED**.

The application was filed August 17, 2006. However, on September 1, 2006, the Office of Initial Patent Examination mailed the "Notice" stating that the application had been accorded a filing date of August 17, 2006, and advising applicant that the drawings of Figure 2c described in the specification appeared to have been omitted.

In response, petitioner argues that the drawings filed August 17, 2006 included Figure 2c and explains that no figures were missing on August 17, 2006. Instead, the application papers (specifically page 2 of 3) submitted, included Figure 2c but that the figure was not labeled. A replacement/corrected sheet of drawings identified as 2/3 has been submitted with the proper label for the figure not previously labeled as 2c.

It is obvious from the petition however, that no figures were actually missing on August 17, 2006. Rather, the figure was mislabeled and as a result of the applicants' filing error, failed to identify one of the figures on sheet 2 of 3. However, the "Notice" mailed on September 1, 2006, was correct in stating that Figure 2c described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

The present petition was not necessitated by any error on the part of the Office and thus a petition fee is due. The petition fee in the amount of $400.00 has been applied and will not be refunded.

The Office of Initial Patent Examination will be notified to process the application with the filing date of August 17, 2006 and to use the application papers filed on that date and the corrected page 2 of 3 filed on October 27, 2006 with the petition.

Telephone inquiries related to this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Rizzuto, et al.	:	
Application No. 11/505,630	:	
Filing Date: August 17, 2006	:	DECISION REFUSING
Attorney Docket No. FLG-003C1	:	STATUS UNDER § 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed August 17, 2006.

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 inventors. **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 August 17, 2006. Accompanying the application was a copy of a petition under 37 CFR 1.47(a), filed in parent application no. 09/995,847, together with a copy of the decision granting the petition.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s). The instant petition does not satisfy requirement (3).

As to requirement (3), petitioner has not paid the $200 petition fee.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
EXCHANGE PLACE
BOSTON MA 02109-2881

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OFFICE OF PETITIONS

In re Application of	:	
Rizzuto, et al.	:	
Application No. 11/505,630	:	DECISION
Filing Date: August 17, 2006	:	ACCORDING STATUS
Attorney Docket No. FLG-003C1	:	UNDER § 1.47(a)

This is in response to the letter filed January 30, 2007, which is being treated as a renewed petition under 37 CFR 1.47(a). A decision dismissing the petition was previously mailed on November 30, 2006.

The petition under 37 CFR 1.47(a) is **GRANTED**.

It is concluded that petitioner has met the requirements of a grantable petition by supplying a copy of a decision granting an earlier Rule 47 petition in parent application no. 09/995,847.

Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status.

Pursuant to 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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WELSH & KATZ, LTD
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

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OFFICE OF PETITIONS

In re Application of	:	
Chien-Hung LIU, et al	:	
Application No. 11/505,647	:	DECISION ON PETITION
Filed: August 17, 2006	:	TO WITHDRAW
Attorney Docket No. TAIW 873	:	FROM RECORD
	:	

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 20, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Welsh & Katz, LTD., has been revoked by the assignee of the patent application on December 6, 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 inquires concerning this decision should be directed to undersigned at 571-272- 6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: TAIWAN ADVANCE PATENT
& TRADEMARK OFFICE
4F. NO. 410, SEC5,
CHUNGHSIAO E. RD.
TAIPEI CITY, TAIWAN

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

King & Spalding LLP
1180 Peachtree Street
Atlanta, GA 30309-3521

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OCT 24 2008

OFFICE OF PETITIONS

In re Application of	:	
Jacob Martin et al.	:	
Application No. 11/505,654	:	DECISION ON PETITION
Filed: August 17, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 13732.105001	:	37 C.F.R. § 1.102(d)

This is a decision on the petition under 37 CFR 1.102(d), filed on August 17, 2006, to make the above-identified application special based on developing treatments and cures for HIV/AIDS or cancer as set forth in M.P.E.P. § 708.02, Section X.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(d) and MPEP § 708.02, Section X: Inventions Relating to HIV/AIDS or cancer, must be accompanied by (1) the petition fee under 37 CFR 1.17(h); and (2) a satisfactory statement explaining how the invention contributes to the diagnosis, treatment or prevention of HIV/AIDS or cancer.

The instant petition does not meet item (2). There is no evidence that the invention materially and directly contributes to the diagnosis, treatment or prevention of HIV/AIDS or cancer. While the invention is directed to, and may allow scientists to better analyze massive amount of information encountered in the course of research in these areas, there is no evidence that the invention of a data analysis method materially and directly contributes to the diagnosis, treatment or prevention of HIV/AIDS or cancer as required by 37 CFR 1.102(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 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 Shelley Clement at (571)272-6052 or in her absence 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 2169 for action in its regular turn.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FURGANG & ADWAR
2 CROSFIELD AVENUE
WEST NYACK NY 10994

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OFFICE OF PETITIONS

In re Application of	:	
Miner	:	
Application No. 11/505,671	:	ON PETITION
Filed: August 17, 2006	:	
Attorney Docket No. 9048.1-P	:	

This is a decision on the petition, filed October 20, 2006 (certificate of mailing date October 17, 2006), which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704. No additional petition fee is required.

Petitioner states that the instant non-provisional application is the subject of an application filed in a foreign country and the U. S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country. A review of the file record shows that a Request to Rescind was filed on October 20, 2006 (certificate of mailing date October 17, 2006). However, petitioner has not provided the exact filing date of the foreign application. Before a proper determination on the merits of the petition can be decided, petitioner must supply the filing date of the foreign application in a renewed petition under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
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) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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APR 17 2009

In re Application of McFadden, Lucas, and Li Serial No. 11/505,682 Filed: 8/17/2006 For: IMMUNOMODULATORY PROTEIN AND USEFUL EMBODIMENTS THEREOF	: : : : : : :	NOTICE OF WITHDRAWAL FROM ISSUE UNDER 37 CFR 1.313(b)

The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 CFR 1.313.

The application is being withdrawn to permit reopening of prosecution. The reasons therefore will be communicated to you by the examiner.

PTO records reveal that the issue fee has not been paid. If the issue fee has been submitted, the applicant may request a refund or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a deposit account.

The application is being forwarded to the examiner for action.

John L. LeGuyader, Director
Technology Center 1600

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110

cc: Allowed Files
Drafting Branch

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
www.uspto.gov

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

Mail Date: 04/21/2010

Applicant	: Thomas Houlon	: DECISION ON REQUEST FOR
Patent Number	: 7596057	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/505,690	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/505,694	08/16/2006	Carolyn L. Weeks-Levy	FLU.S2.ADJ.03

GEORGE E. DARBY
P.O. BOX 893010
MILILANI HI 96789-30106

DATE MAILED: February 12, 2007

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d) filed February 6, 2007, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Barbara J. Debnam
Pre-Grant Publication Division

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/505,694	08/16/2006	Carolyn L. Weeks-Levy	FLU.S2.ADJ.03

GEORGE E. DARBY
P.O. BOX 893010
MILILANI HI 96789-30106

DATE MAILED: February 12, 2007

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d) filed February 6, 2007, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Barbara J. Debnam
Pre-Grant Publication Division

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/505,694	08/16/2006	Carolyn L. Weeks-Levy	FLU.S2.ADJ.03

CONFIRMATION NO.
7569

GEORGE E. DARBY
P.O. BOX 893010
MILILANI HI 96789-3010

Date Mailed: February 12, 2007

Decision Dismissing Petition under 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☑ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☐ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.

4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed Office of Patent Publication, Pre-Grant Publication Division, 703-605-4283.

Barbara J. Debnam
Office of Patent Publication
Pre-Grant Publication Division

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

INTELLEVATE
P.O. BOX 52050
MINNEAPOLIS, MN 55402

In re Application of

TURIELLO, Anthony J.
Application No. 11/505,708
Filed: August 16, 2006
Attorney Docket No. **00030.00002US1**

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 06, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Raj Abhyanker on behalf of all attorneys of record who are associated with customer No. 55952. 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: **ANTHONY J. TURIELLO**
47 AVONDALE ST.
REDWOOD CITY, CA 94062

cc: **RESCUE AIR SYSTEMS, INC.**
751 LAUREL STREET, #416
SAN CARLOS, CA 94070

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P O BOX 4390
TROY, MI 48099-4390

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OFFICE OF PETITIONS

In re Application of :
Volker Teichmann :
Application No.: 11/505,723 : ON PETITION
Filed: August 17, 2006 :
Attorney Docket No.: 7739.3018.001 :

This is a decision in response to the petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee, filed February 6, 2009 and supplemented on February 9, 2009.

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 21, 2009, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

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.

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B - Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

The application is being referred to Technology Center AU 2875 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: DAVID J. SIMONELLI
REISING ETHINGTON PC.
755 W. BIG BEAVER ROAD, SUITE 1850
TROY, MI 48084

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CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

Mail Date: 07/07/2010

Applicant	: Piyush Tandon	: DECISION ON REQUEST FOR
Patent Number	: 7638985	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/505,737	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS, MN 55415-1002

Mail Date: 04/21/2010

Applicant	: Mahesh J. Shah	: DECISION ON REQUEST FOR
Patent Number	: 7663849	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/505,739	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **684** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Mail Date: 05/05/2010

Applicant	: Jonathan Alois Schmitt	: DECISION ON REQUEST FOR
Patent Number	: 7649798	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/505,744	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **361** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 LAW PROFESSIONALS
P.O. BOX 612407
SAN JOSE, CA 95161

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MAR 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Richard H. Strandberg, et al.	:	
Application No. 11/505,746	:	DECISION ON PETITION
Filed: August 17, 2008	:	TO WITHDRAW
Attorney Docket No. 80-002US	:	FROM RECORD
	:	

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 20, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Patent Law Professionals has been revoked by the assignee of the patent application on March 24, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: MATSUSHITA ELECTRIC INDUSTRIAL CO.
1006 OAZA KADOMA
KADOMA-SHI OSAKA 571-8501
JAPAN

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

SNELL & WILMER L.L.P. (Panasonic)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

Mail Date: 04/21/2010

Applicant	: Richard H. Strandberg	: DECISION ON REQUEST FOR
Patent Number	: 7603089	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/505,746	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **568** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Alexandria, VA 22313-1450
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RAYTHEON COMPANY
Leonard A. Alkov, Esq.
2000 E. El Segundo Boulevard
P.O. Box 902 (EO/E4/N119)
El Segundo CA 90245-0902

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SEP 15 2008

OFFICE OF PETITIONS

In re Application of
Fulcomer et al.
Application No. 11/505,749
Filed: August 17, 2006
Attorney Docket No. PD-05W010

DECISION ON PETITION

This is a decision on the petition filed under 37 CFR 1.137(a) on August 21, 2008, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 CFR 1.137(a) is **DISMISSED AS MOOT**.

The petition under 37 CFR 1.181 is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of January 21, 2008, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before April 30, 2008.

Petitioner states that a timely reply was mailed via certificate of transmission on April 11, 2008, which included the following papers: amendment. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of transmission, dated April 11, 2008, which would have rendered the reply timely if received. Petitioner has also provided a copy of the auto-reply facsimile transmission dated April 11, 2008.

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 January 31, 2008 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed (or transmitted by facsimile) on April 11, 2008.

There is no indication that the person signing the present petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. 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.

In light of the grant of the petition under 37 CFR 1.181, the $510.00 petition fee will be refunded to deposit account 50-0616.

This application is being referred to Technology Center AU 2819 for appropriate action in the normal course of business on the reply received with petition.

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

Cc: William Benman
2049 Century Park East
Suite 2740
Los Angeles, CA 90067

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Salambek Naibovich Khadzhiev	: DECISION ON REQUEST FOR
Patent Number	: 7585406	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/505,769	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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NOV 01 2006
OFFICE OF PETITIONS

Karl M. Steins
Steins & Associates
Suite 120
2333 Camino del Rio South
San Diego CA 92108

In re Application of	:	
Francis Leifermann	:	
Application No. 11/505,792	:	DECISION ON PETITION
Filed: August 16, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. LEI1-J86	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 16, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition does not include a statement by the applicant.

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 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 3727 for action in its regular turn.

Jerri Williams for

Amelia Au
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

Karl M. Steins
Steins & Associates
Suite 120
2333 Camino del Rio South
San Diego CA 92108

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JUN 27 2008

OFFICE OF PETITIONS

In re Application of	:	
Francis Leifermann	:	
Application No. 11/505,792	:	DECISION ON PETITION
Filed: August 16, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. LEI1-J86	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the renewed petition under 37 CFR 1.102(c)(1), filed May 7, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the declaring that he/she is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3782 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
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

JONES DAY
222 EAST 41ST STREET
NEW YORK NY 10017

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OFFICE OF PETITIONS

In re Application of	:	
James Russell Webster et al	:	
Application No. 11/505,793	:	DECISION GRANTING FILING
Filed: August 16, 2006	:	DATE OF AUGUST 16, 2006
Attorney Docket No. 11545-009-999 (267313-999009)	:	

This is a decision on the petition under 37 C.F.R. 1.10 (c), filed September 18, 2006, requesting that the above-identified application be accorded a filing date of August 16, 2006.

Petitioner requests the filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on August 16, 2006 pursuant to 37 C.F.R. 1.10. A review of the USPS Track & Confirm shows the acceptance date of August 16, 2006, in San Francisco, CA. for Label No. EV686024325US. The same Express Mail receipt number appears on the original Application Transmittal filed with the instant application.

In view of the above, it is concluded that the application was deposited as "Express Mail" with the US Postal Service on August 16, 2006.

The petition is **granted**.

A corrected Filing Receipt was mailed on October 17, 2006 bearing the filing date of August 16, 2006. (copy enclosed).

This matter is being referred to Technology Center AU 1743 for examination in due course.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

Enclosure: Copy of Filing Receipt mailed October 17, 2006

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/505,793	08/16/2006	1743	500	11545-009-999 (267313-999	3	8	1

CONFIRMATION NO. 7357

UPDATED FILING RECEIPT

OC000000020863715

OC000000020863715

20583
JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

Date Mailed: 10/17/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

James Russell Webster, Hsinchu, TAIWAN;
Ping Chang, Hsinchu, TAIWAN;
Shaw-Tzuv Wang, Chutung, TAIWAN;
Chi-Chen Chen, Hsinchu, TAIWAN;
Rong-I Hong, Hsinchu, TAIWAN;

Assignment For Published Patent Application

Agnitio Science & Technology

Power of Attorney: The patent practitioners associated with Customer Number **20583**.

Domestic Priority data as claimed by applicant

This application is a DIV of 10/437,046 05/14/2003

Foreign Applications

TAIWAN 91122431 09/27/2002

If Required, Foreign Filing License Granted: 08/31/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/505,793

Projected Publication Date: 01/25/2007

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Miniaturized fluid delivery and analysis system

Preliminary Class

436

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier

license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license,. unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05/10/10

TO SPE OF : ART UNIT 2873

SUBJECT : Request for Certificate of Correction for Appl. No.: 11505811 Patent No.: 7656588

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: _____

/Ricky Mack/
SPE

2873
Art Unit

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JUN 07 2010

OFFICE OF PETITIONS

ALPHARX INC
168 KONRAD CRESCENT, SUITE 200
MARKHAM, L3R 9T9
CANADA

In re Application of	
Joseph SCHWARZ, et *al.*	
Application No. 11/505,812	DECISION ON REQUEST FOR
Filed: August 18, 2006	REVOCATION OF POWER
Attorney Docket No. **195205-380301/T1381-3US01**	OF ATTORNEY

This is a decision on the Request to Revoke the attorney or agent of record under 37 C.F.R. § 1.36(a), filed January 8, 2010.

The request is **APPROVED**.

A power of attorney, pursuant to § 1.32(b), may be revoked at any stage in the proceeding of a case by an applicant for patent (§ 1.41(b)) or an assignee of the entire interest of the applicant under § 3.71(b). Fewer than all of the applicants (or by fewer than the assignee of the entire interest of the applicant) may only revoke the power of attorney upon a showing of sufficient cause, and payment of the petition fee set forth § 1.17(h). For the assignee to take action a proper statement under § 3.73(b) is required.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **LAW OFFICES OF DAVID M. LANG**
3051 DAGGETT DRIVE
GRANITE BAY, CA 95746

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

LAW OFFICES OF DAVID M. LANG
3051 DAGGETT DRIVE
GRANITE BAY, CA 95746

MAILED

JUN 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Joseph SCHWARZ, et *al.*	:	
Application No. 11/505,812	:	DECISION ON PETITION
Filed: August 18, 2006	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. **195205-380301/T1381-3US01**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 8, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 1, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 2, 2009.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The petition 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 $1175 extension of time fee submitted with the petition on January 8, 2010 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 1619 for appropriate action by the Examiner in the normal course of business on the reply received January 8, 2010.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/505,922	08/18/2006	Do-jun Yang	Q95869	6227

7590 02/18/2009
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
HERNDON, HEATHER R

ART UNIT	PAPER NUMBER
2176	

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.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
02/19/2009 NFARMER 0000166181

CHECK Refund Total: $600.00

Adjustment date: 02/19/2009 NFARMER
08/21/2006 EAREGAY1 00000030 11505922
02 FC:1111 -500.00 OP
04 FC:1202 -100.00 OP

FORM PET651G (Rev. 08/07)

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/505,948	08/18/2006	Oleksandr Krykun	0005.1108	7578

7590 01/20/2009
STEIN, MCEWEN & BUI, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON, DC 20005

EXAMINER
PHU, SANH D

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
01/20/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 01/21/2009 BPOWELL
08/21/2006 RFEKADU1 00000020 11505948
02 FC:1111 -500.00 OP
04 FC:1202 -1200.00 OP
05 FC:1201 -200.00 OP

Repln. Ref: 01/21/2009 BPOWELL 0015462700
DA#:194880 Name/Number:11030128
FC: 9204 $600.00 CR

FORM PET651G (Rev. 08/07)

Adjustment date: 01/21/2009 BPOWELL
08/21/2006 RFEKADU1 00000020 11505948

02	FC:1111	-500.00	OP
04	FC:1202	-1200.00	OP
05	FC:1201	-200.00	OP

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/505,963	08/18/2006	Shigeru Harada	295181US8	7283

7590 03/13/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
MEHTA, BHAVESH M

ART UNIT	PAPER NUMBER
2624	

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.

Betty Powell

Patent Publication Branch
Office of Data Management

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Adjustment date: 03/12/2009  BPOWELL
08/21/2006 GWORDOF1 00000045 11505963
02 FC:1111                        -500.00 OP
04 FC:1201                        -400.00 OP
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Adjustment date: 03/12/2009  BPOWELL
08/21/2006 GWORDOF1 00000045 11505963
02 FC:1111                        -500.00 OP
04 FC:1201                        -400.00 OP
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FORM PET651G (Rev. 08/07)

Refund Ref:
03/12/2009 0030067610

Credit Card Refund Total: $900.00

Am Exp..: XXXXXXXXXXX1001

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SHEEHAN PHINNEY BASS & GREEN, PA
c/o PETER NIEVES
1000 ELM STREET
MANCHESTER, NH 03105-3701

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JUL 24 2007

OFFICE OF PETITIONS

In re Application of Kendale et al. :
Application No. 11/506,009 :
Filing Date: August 17, 2006 :
Attorney Docket No. 17614-6109 :

Decision on Petition

This is a decision in response to the petition filed February 20, 2007, requesting, in effect, that pages 46 to 78 filed on February 20, 2007, be entered as part of the original disclosure.

The petition is **granted**.

The application was filed August 17, 2006.

The Office of Initial Patent Examination mailed a Notice to File Corrected Application Papers on December 19, 2006. The Notice stated pages 46 to 78 of the specification did not appear to be part of the application as filed.

In response, the present petition was filed. Petitioner alleges pages 46 to 78 of the specification were filed with the original application.

The file does not contain the 78 pages of specification petitioner alleges were filed with the original application. However, petitioner has submitted a postcard receipt acknowledging receipt of 78 pages of specification on August 17, 2006.[1] Therefore, the Office is persuaded that pages 46 to 78 were part of the originally filed application but were later misplaced by the Office.

The Notice mailed December 19, 2006, was sent in error and is hereby vacated to the extent the Notice indicated pages 46 to 78 were missing.

The petition fee of $400 has been credited back 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 the application will be processed with a filing date of August 17, 2006, using the papers filed August 17, 2006, and the copy of pages 46 to 78 of the specification filed February 20, 2007.

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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SHEEHAN PHINNEY BASS & GREEN, PA
c/o PETER NIEVES
1000 ELM STREET
MANCHESTER, NH 03105-3701

Mail Date: 05/21/2010

Applicant	: Amar Maruti Kendale	: DECISION ON REQUEST FOR
Patent Number	: 7665983	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/506,009	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **737** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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John S. Beulick
Armstrong Teasdale LLP
Suite 2600
One Metropolitan Square
St. Louis, MO 63102

Mail Date: 04/21/2010

Applicant	: Kent F. Schien	: DECISION ON REQUEST FOR
Patent Number	: 7597812	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/506,011	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **518** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Thomas W. Cook
Thomas Cook Intellectual Property Attorneys
Suite 425-430, 3030 Bridgeway
P.O. Box 1989
Sausalito CA 94965

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FEB 29 2008

In re Application of	:	
Vogel et al.	:	
Application No. 11/506,041	:	DECISION ON PETITION
Filed: 08/16/2006	:	
Attorney Docket No. VOGE-101/P-2	:	

This is a decision on the petition under 37 CFR 1.137(a), filed on January 22, 2008, to revive the above-identified application, which is first being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

On August 31, 2006, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, which set a two-month extendable period to reply. In the absence of a timely filed reply, the Office mailed a Notice of Abandonment on September 17, 2007.

In the present petition, petitioner asserted that the delay in filing a response to the Notice to File Missing Parts of Nonprovisional Application ("Notice") was unavoidable because the practitioner did not receive the Notice. In support of the assertion, petitioner provided the statement of practitioner, Thomas Cook.

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the Notice to File Missing Parts of Nonprovisional Application, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice to File Missing Parts of Nonprovisional Application was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the practitioner did not receive the Office communication and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and

referenced in practitioner's statement.[2] For example, if a three month period for reply was set in the non-received Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt of the Office action. The showing 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).

The showing of record is insufficient to warrant withdrawal of the holding of abandonment. Petitioner did not submit a copy of the docket record where the non-received Notice to File Missing Parts of Nonprovisional Application would have been entered had it been received and docketed. Accordingly, the petition to withdraw the holding of abandonment is **dismissed**.

PETITION UNDER 37 CFR 1.137(a)

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

> (1) The required reply to the outstanding Office action or notice, unless previously filed.
>
> (2) The petition fee as set forth in 37 CFR 1.17(l);
>
> (3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and
>
> (4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant to 37 CFR 1.137(d).

The petition does not satisfy requirement (3).

The Director may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to be "unavoidable".[3] Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph,

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[2] M.P.E.P. § 711.03(c); See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

[3] 35 U.S.C. § 133.

> 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.[4]

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).[5] Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[6]

Presently, petitioner did not demonstrate that the delay was unavoidable due to non-receipt of the Notice to File Missing Parts of Nonprovisional Application. Accordingly, as petitioner has not satisfied the requirements of a grantable petition under 37 CFR 1.137(a), the petition to revive the application due to unavoidable delay is **dismissed**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." Extensions of time are permitted under 37 CFR 1.136(a). No additional fee is required for filing a renewed petition under 37 CFR 1.137(a).

In the alternative, petitioner may file a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application.

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); (currently an additional $770.00 for a small entity);
>
> (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was

---

[4] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[5] See MPEP 711(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay.

[6] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant to 37 CFR 1.137(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 FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Correspondence may also be submitted via the electronic filing system (EFS-Web) of the USPTO.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Thomas W. Cook
Thomas Cook Intellectual Property Attorneys
Suite 425-430, 3030 Bridgeway
P.O. Box 1989
Sausalito CA 94965

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APR 0 3 2008

OFFICE OF PETITIONS

In re Application of :
Vogel et al. :
Application No. 11/506,041 : DECISION ON PETITION
Filed: 08/16/2006 :
Attorney Docket No. VOGE-101/P-2 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 21, 2008, to revive the above-identified application.

The petition is **GRANTED**.

On August 31, 2006, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, which set a two-month extendable period to reply. In the absence of a timely filed reply, the Office mailed a Notice of Abandonment on September 17, 2007.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply, paid the petition fee, and made the proper statement of unintentional delay. Accordingly, the petition is granted.

This matter is being referred to the Office of Patent Application Processing.

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Office of Patent Application Processing.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Johann Schlusselbauer	: DECISION ON REQUEST FOR
Patent Number	: 7614327	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/506,065	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **351** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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BRIAN ROFFE, ESQ
11 SUNRISE PLAZA, SUITE 303
VALLEY STREAM NY 11580-6111

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OCT 24 2006
OFFICE OF PETITIONS

In re Application of	:	
BREED, et al.	:	
Application No. 11/506,084	:	DECISION ON PETITION
Filed: August 17, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. ATI-461	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 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 the passport of David S. Breed, 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 3616 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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BRIAN ROFFE, ESQ
11 SUNRISE PLAZA, SUITE 303
VALLEY STREAM, NY 11580-6111

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JUL 23 2008

In re Application of	:	
David S. Breed, et. al.	:	
Application No. 11/506,084	:	DECISION ON PETITION
Filed: August 17, 2006	:	
Attorney Docket No. ATI-461	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 28, 2007, to revive the above-identified application.

The application became abandoned for failure to file a proper reply to the final Office action mailed
June 8, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal with the $510; (2) the petition fee of $1,540; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

This application is being referred to Technology Center Art Unit 3616 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

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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Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

Mail Date: 05/25/2010

Applicant	: George Liang	: DECISION ON REQUEST FOR
Patent Number	: 7665955	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/506,085	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/17/2006	: ISSUE CERTIFICATE OF CORRECTION

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **710** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

Mail Date: 04/20/2010

Applicant	: Gregory Charles Weed	: DECISION ON REQUEST FOR
Patent Number	: 7588656	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/506,103	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

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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STEVEN A. OWEN
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KINGSPORT TN 37662-5075

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OFFICE OF PETITIONS

In re Application of Bruce Roger DeBruin Application No. 11/506,105 Filed: August 17, 2006 Attorney Docket No. 71322/US10	: : DECISION GRANTING : PETITION :

This is a decision on the filing date petition filed September 26, 2006, under 37 CFR 1.57.

The application was filed on August 17, 2006. However, on September 1, 2006 the Office of Initial Patent Examination mailed a Notice of Incomplete Application stating that the application had not been filed with drawings and thus, the application could not be accorded a filing date.

In response, the present petition was filed. Petitioner admits that the drawings were inadvertently omitted but argues that the instant application, upon filing, properly claimed priority to U.S. Non-Provisional Application 10/919,931, filed August 17, 2004, and contained twenty-seven sheets of drawings, Figures 1-24.

On September 21, 2004, § 1.57 was added to read, in pertinent part that:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains ... a claim under 1.78 for the benefit of a prior-filed provisional, nonprovisional or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under ... § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier;
> (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the

amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

In view of 37 CFR 1.57 which provides that a proper priority claim under 37 CFR 1.55 or 37 CFR 1.78 can also be considered an incorporation by reference of the prior filed application as to the inadvertently omitted drawings, the argument is persuasive and the petition therefore is **GRANTED** .

Since the petition was required to accord the requested filing date and since the error occurred through no wrongdoing on the part of the USPTO, the petition fee in the amount of $400.00 has been charged to petitioner's deposit account and cannot be refunded.

The primary examiner is expected to compare the drawings supplied on September 26, 2006, to the disclosure of non-provisional application no. 10/919,931 in order to verify that the drawings are in fact, a part of the disclosure of the non-provisional parent application.

The application is being forwarded to the Office of Initial Patent Examination for correction of the filing date to August 17, 2006, using the application papers filed August 17, 2006 and those submitted September 26, 2006 as a part of the original disclosure.

Telephone inquiries concerning this matter should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Charles Pearson
Director
Office of Petitions

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In re Application of	:	
Jacques P. Frydman	:	
Application No. 11/506,115	:	
Filing or 371(c) Date: 08/17/2006	:	DECISION
Attorney Docket Number: JPF-001	:	ON PETITION

This is a decision on the Petition Under 37 C.F.R. §§ 1.10(d) and 1.182, filed October 2, 2006, 2006, requesting that the above-identified application be accorded a filing date of August 16, 2006, rather than the presently accorded filing date of August 17, 2006. The petition is properly treated under 37 CFR 1.10(d).

The petition is **dismissed**.

Applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under [insert the applicable code section]", and should only address the deficiencies noted below. Failure to respond will result in abandonment of the application.

Applicant alleges that the application was deposited in Express Mail service on August 16, 2006. In support of this assertion, Applicant files copies of an Express Mail Certificate that includes a certification of Mandy Ellis, certifiying that deposited application papers in Express Mail label EQ756158701US on August 16, 2006; a copy of a Return-receipt postcard that does not contain a Patent Office satamp; the Affidavit of Mandy Ellis affirming that she deposited the application papers on August 16, 2006; a Postage Transaction Record from Stamps.com indicating thereon that on August 16, 2006, $14.40 in postage was paid on August 16, 2006, and a copy of Express Mail label EQ756158701US showing the "Date-In" as August 17, 2006.

Applicable Law

Public Law 97-247, 96 Stat. 317 (1982), amended 35 U.S.C. § 21 permitting, but not requiring, the Office to prescribe that any paper or fee required to be filed in the Office be

considered filed in the Office on the date on which it was deposited with the U.S. Postal Service. The Office promulgated 37 CFR § 1.10 pursuant to the authority provided in 35 U.S.C. § 21.

37 CFR § 1.8 provides a procedure by which the timely filing of papers and fees deposited with the U.S. Postal Service may be established without independent corroboration by an employee of the U.S. Postal Service (*i.e.*, established solely by the statement(s) from applicant or his or her counsel). The suggestion that 37 CFR § 1.8 be applicable to application papers deposited the U.S. Postal Service for purposes of obtaining a filing date was considered and expressly rejected. The criticality of an application filing date was considered adequate to justify independent verification by an employee of the U.S. Postal Service of the date of deposit of the application papers with the U.S. Postal Service. See rulemaking entitled "Revision of Patent Procedure," published in the *Federal Register* at 48 *Fed. Reg.* 2696, 2702 (January 20, 1983), and in the Patent and Trademark Office *Official Gazette* at 1027 *Off. Gaz. Pat. Office* 9, 25 (February 1, 1983). (Emphasis supplied). Put simply, the insertion by a disinterested employee of the U.S. Postal Service of the date of deposit in the U.S. Postal Service by Express Mail on the Express Mail label of the envelop containing application papers is the *raison d'être* of 37 CFR § 1.10.[1]

37 CFR 1.10(d) provides 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:
> (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

[1] In promulgating 37 CFR § 1.10, the Office also considered other types of mail service (*e.g.*, registered mail and certified mail), but chose the "Express Mail" service since this service provides, *inter alia*, a legible mailing date on the "Express Mail" label for the records of both the applicant and the Office. See "Revision of Patent Procedure," 48 *Fed. Reg.* at 2697, 1027 *Off. Gaz. Pat. Office* 12-13.

> showing pursuant to this paragraph must be corroborated by evidence from the USPS <u>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</u>. Emphasis supplied.

The MPEP 513 further explains that

> 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. 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 <u>or other such file identification number</u>; 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 supplied).
>
> 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."
>
> A petition alleging that the USPS erred in entering the "date-in" will be denied if it is supported only by evidence (other than from the USPS) which was:
> (A) 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
> (B) 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 ").

> On the other hand, a notation in a log book, entered after deposit by the person who deposited the correspondence as "Express Mail" within one business day of such deposit, setting forth the items indicated above, would be deemed on petition to be an adequate showing of the date of deposit under 37 CFR 1.10(d)(3).
>
> 37 CFR 1.10(d)(3) further provides that a party must show that correspondence was deposited as "Express Mail" before the last scheduled pickup on the requested filing date in order to obtain a filing date as of that date.

Analysis

Applicant has not provided evidence from the USPS that the application was deposited on August 16, 2006. The Express Mail mailing label shows the "Date-In" as August 17, 2006.

Applicant has also not provided any evidence 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.

Applicant has provided the Declaration of Mandy Ellis, executed on October 2, 2006; however, this is "an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as "Express Mail". MPEP 513. The copy of a Postage Transaction Record from Stamps.com, indicating thereon that on August 16, 2006, $14.40 in postage was paid on August 16, 2006, was created on September 28, 2006, more than five (5) weeks after August 16, 2006. Moreover, the transaction record fails to identify the application number, attorney docket number <u>or other such file identification number</u>; the place, date and time of deposit; the time of the last scheduled pick-up for that date and place of deposit, or the depositor's initials or signature.

In this instance, Applicant chose to use an Express Mail drop box. The MPEP cautions 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 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. On petition, the failure to obtain an "Express Mail" receipt with the "date-in" clearly marked may be considered an omission that could have been avoided by the exercise of due care, as discussed below. While the Office strongly urges direct deposit of "Express Mail" correspondence in order to obtain a legible copy of the "Express Mail" mailing label, parties are not precluded from using "Express Mail" drop boxes, but do so at their own risk. (Emphasis supplied).

Here, Applicant bore the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked[2].

Applicant also cites to 37 CFR 1.183; however, as provided in the MPEP 513:

> A party's inadvertent failure to comply with the requirements of a rule is not deemed to be an extraordinary situation that would warrant waiver of a rule under 37 CFR 1.183, 2.146(a)(5) or 2.148, nor is such an inadvertent omis-sion considered "unavoidable," within the meaning of 15 U.S.C. 1062(b), 35 U.S.C. 133, 37 CFR 1.137(a) or 37 CFR 2.66(a). See Honigsbaum v. Lehman, 903 F. Supp. 8, 37 USPQ2d 1799 (D.D.C. 1995) (Commissioner did not abuse his discretion in refusing to waive requirements of 37 CFR 1.10(c) in order to grant filing date to patent application, where applicant failed to produce "Express Mail" customer receipt or any other evidence that application was actually deposited with USPS as "Express Mail."), aff 'd without opinion, 95 F.3d 1166 (Fed. Cir. 1996); Nitto Chemical Industry. Co., Ltd. v. Comer, 39 USPQ2d 1778, 1782 (D.D.C. 1994) (Commissioner's refusal to waive requirements of 37 CFR 1.10 in order to grant priority filing date to patent applica-tion not arbitrary and capricious, because failure to comply with the requirements of 37 CFR 1.10 is an "avoidable" oversight that could have been prevented by the exercise of ordinary care or diligence, and thus not an extraordinary situation under 37 CFR 1.183.); Vincent v. Mossinghoff, 230 USPQ 621 (D.D.C. 1985) (misunderstanding of 37 CFR 1.8 not unavoidable delay in responding to Office Action); Gustafson v. Strange, 227 USPQ 174 (Comm'r Pat. 1985) (counsel's unawareness of 37 CFR 1.8 not extraordinary situation warranting waiver of a rule); In re Chicago

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[2] 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) (e), or (g). MPEP 513.

Historical Antique Automobile Museum, Inc., 197 USPQ 289 (Comm'r Pat. 1978) (since certificate of mailing procedure under 37 CFR 1.8 was available to petitioner, lateness due to mail delay not deemed to be extraordinary situation).

The petition is dismissed without prejudice. Applicant should provide evidence from the USPS or that 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.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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RAMSEY, NJ 07446

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OFFICE OF PETITIONS

In re Application of	:	
Jacques P. Frydman	:	
Application No. 11/506,115	:	
Filing or 371(c) Date: 08/17/2006	:	DECISION
Attorney Docket Number: JPF-001	:	ON PETITION

This is a decision on the Request for Reconsideration of Petition Under 37 C.F.R. §§ 1.10(d) and 1.182, filed April 8, 2007, requesting that the above-identified application be accorded a filing date of August 16, 2006, rather than the presently accorded filing date of August 17, 2006. The petition is properly treated under 37 CFR 1.10(d).

The petition is **dismissed**.

Applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under [insert the applicable code section]", and should only address the deficiencies noted below. Failure to respond will result in abandonment of the application.

October 2, 2006 Petition

Applicant filed a petition on October 2, 2006, wherein Applicant alleged that the application was deposited in Express Mail service on August 16, 2006. In support of this assertion, Applicant filed copies of an Express Mail Certificate that included a certification of Mandy Ellis, certifying that deposited application papers in Express Mail label EQ756158701US on August 16, 2006; a copy of a Return-receipt postcard that did not contain a Patent Office stamp; the Affidavit of Mandy Ellis affirming that she deposited the application papers on August 16, 2006; a Postage Transaction Record from Stamps.com indicating thereon that on August 16, 2006, $14.40 in postage was paid on August 16, 2006, and a copy of Express Mail label EQ756158701US showing the "Date-In" as August 17, 2006.

The November 14, 2006 Decision dismissing the petition

A Decision dismissing the Ocoiber 2, 2006 petition was mailed November 14, 2006. Applicant had not provided evidence from the USPS that the application was deposited on August 16, 2006. The Express Mail mailing label showed the "Date-In" as August 17, 2006.

Applicant had also not provided any evidence 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.

Applicant provided the Declaration of Mandy Ellis, executed on October 2, 2006; however, it was "an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as "Express Mail". MPEP 513. The copy of a Postage Transaction Record from Stamps.com, indicating thereon that on August 16, 2006, $14.40 in postage was paid on August 16, 2006, was created on September 28, 2006, more than five (5) weeks after August 16, 2006. Moreover, the transaction record failed to identify 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, or the depositor's initials or signature.

The present request for reconsideration

Applicant files the present request for reconsideration and includes a "personal copy of the 2006 Post Office Delivery Log Book for the Law Firm of Kaliko & Yeager."

Applicable Law

37 CFR 1.10(d)(3) provides 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. (Emphasis supplied).

The MPEP 513 further explains that

> A petition alleging that the USPS erred in entering the "date-in" will be denied if it is supported only by evidence (other than from the USPS) which was:

(A) 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
(B) 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 ").

On the other hand, a notation in a log book, entered after deposit by the person who deposited the correspondence as "Express Mail" within one business day of such deposit, setting forth the items indicated above, would be deemed on petition to be an adequate showing of the date of deposit under 37 CFR 1.10(d)(3).

37 CFR 1.10(d)(3) further provides that a party must show that correspondence was deposited as "Express Mail" before the last scheduled pickup on the requested filing date in order to obtain a filing date as of that date.

Analysis

A review of the October 2, 2006 petition, and of the present request for reconsideration, fails to reveal that the 2006 Post Office Delivery Log Book 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 is dismissed without prejudice. Applicant should provide evidence in the form of an affidavit that the 2006 Post Office Delivery Log Book 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, or provide corroborating 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.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Jacques P. Frydman	:	
Application No. 11/506,115	:	
Filing or 371(c) Date: 08/17/2006	:	DECISION
Attorney Docket Number: JPF-001	:	ON PETITION

This is a decision on the Request for Reconsideration of Petition Under 37 C.F.R. §§ 1.10(d) and 1.182, filed June 6, 2007, requesting that the above-identified application be accorded a filing date of August 16, 2006, rather than the presently accorded filing date of August 17, 2006. The petition is properly treated under 37 CFR 1.10(d).

The petition is **dismissed**.

Applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under [insert the applicable code section]", and should only address the deficiencies noted below. Failure to respond will result in abandonment of the application.

October 2, 2006 Petition

Applicant filed a petition on October 2, 2006, wherein Applicant alleged that the application was deposited in Express Mail service on August 16, 2006. In support of this assertion, Applicant filed copies of an Express Mail Certificate that included a certification of Mandy Ellis, certifying that deposited application papers in Express Mail label EQ756158701US on August 16, 2006; a copy of a Return-receipt postcard that did not contain a Patent Office stamp; the Affidavit of Mandy Ellis affirming that she deposited the application papers on August 16, 2006; a Postage Transaction Record from Stamps.com indicating thereon that on August 16, 2006, $14.40 in postage was paid on August 16, 2006, and a copy of Express Mail label EQ756158701US showing the "Date-In" as August 17, 2006.

The November 14, 2006 Decision dismissing the petition

A Decision dismissing the Ocoiber 2, 2006 petition was mailed November 14, 2006. Applicant had not provided evidence from the USPS that the application was deposited on August 16, 2006. The Express Mail mailing label showed the "Date-In" as August 17, 2006.

Applicant had also not provided any evidence 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.

Applicant provided the Declaration of Mandy Ellis, executed on October 2, 2006; however, it was "an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as "Express Mail". MPEP 513. The copy of a Postage Transaction Record from Stamps.com, indicating thereon that on August 16, 2006, $14.40 in postage was paid on August 16, 2006, was created on September 28, 2006, more than five (5) weeks after August 16, 2006. Moreover, the transaction record failed to identify 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, or the depositor's initials or signature.

The May 8, 2007 request for reconsideration

Applicant filed a request for reconsideration on May 8, 2007 and included a "personal copy of the 2006 Post Office Delivery Log Book for the Law Firm of Kaliko & Yeager." The petition was dismissed in a Decision mailed May 18, 2007. The Decision noted that a review of the October 2, 2006 petition, and of the May 8, 2007 request for reconsideration, failed to reveal that the 2006 Post Office Delivery Log Book 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 was dismissed without prejudice. Applicant was asked to provide evidence in the form of an affidavit that the 2006 Post Office Delivery Log Book 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, or provide corroborating 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 present request for reconsideration

Applicant files the present request for reconsideration and includes the affidavit of Mandy Ellis, wherein Ms. Ellis affirms that the entry in the Post Office Delivery Log Book for the above-identified application "is a true and correct entry and the entry was made by [her] within one business day of the deposit of the application to the U.S. Post Office in Waldwick, NJ."

Applicable Law

Public Law 97-247, 96 Stat. 317 (1982), amended 35 U.S.C. § 21 permitting, but not requiring, the Office to prescribe that any paper or fee required to be filed in the Office be considered filed in the Office on the date on which it was deposited with the U.S. Postal Service. The Office promulgated 37 CFR § 1.10 pursuant to the authority provided in 35 U.S.C. § 21.

37 CFR § 1.8 provides a procedure by which the timely filing of papers and fees deposited with the U.S. Postal Service may be established without independent corroboration by an employee of the U.S. Postal Service (*i.e.*, established solely by the statement(s) from applicant or his or her counsel). The suggestion that 37 CFR § 1.8 be applicable to application papers deposited with the U.S. Postal Service for purposes of obtaining a filing date was considered and expressly rejected. The criticality of an application filing date was considered adequate to justify independent verification by an employee of the U.S. Postal Service of the date of deposit of the application papers with the U.S. Postal Service. See rulemaking entitled "Revision of Patent Procedure," published in the *Federal Register* at 48 *Fed. Reg.* 2696, 2702 (January 20, 1983), and in the Patent and Trademark Office *Official Gazette* at 1027 *Off. Gaz. Pat. Office* 9, 25 (February 1, 1983). (Emphasis supplied). Put simply, the insertion by a disinterested employee of the U.S. Postal Service of the date of deposit in the U.S. Postal Service by Express Mail on the Express Mail label of the envelop containing application papers is the *raison d'être* of 37 CFR § 1.10.[1]

37 CFR 1.10(d) provides 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:
>
> (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

[1] In promulgating 37 CFR § 1.10, the Office also considered other types of mail service (*e.g.*, registered mail and certified mail), but chose the "Express Mail" service since this service provides, *inter alia*, a legible mailing date on the "Express Mail" label for the records of both the applicant and the Office. See "Revision of Patent Procedure," 48 *Fed. Reg.* at 2697, 1027 *Off. Gaz. Pat. Office* 12-13.

> 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 <u>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</u>. Emphasis supplied.

The MPEP 513 further explains that

> 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. 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. (Emphasis supplied).
>
> 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."
>
> A petition alleging that the USPS erred in entering the "date-in" will be denied if it is supported only by evidence (other than from the USPS) which was:
> (A) 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

(B) 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 ").

On the other hand, a notation in a log book, entered after deposit by the person who deposited the correspondence as "Express Mail" within one business day of such deposit, setting forth the items indicated above, would be deemed on petition to be an adequate showing of the date of deposit under 37 CFR 1.10(d)(3).

37 CFR 1.10(d)(3) further provides that a party must show that correspondence was deposited as "Express Mail" before the last scheduled pickup on the requested filing date in order to obtain a filing date as of that date.

Analysis

Applicant provides that the entry was made by [her] within one business day of the deposit; however, Applicant does not state that the entry was made after deposit. An entry made within one day of deposit may have been made within one day prior to deposit. Applicant has failed to demonstrate that the entry was made after deposit, and within one business day of deposit, as required by rule.

The petition is dismissed.

After a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner. Therefore, it is extremely important that petitioner supply **any** and **all** relevant information and documentation with his request for reconsideration. The Director's decision will be based solely on the administrative record in existence.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
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

KALIKO & YEAGER, L.L.C.
500 NORTH FRANKLIN
TURNPIKE
RAMSEY, NJ 07446

COPY MAILED

AUG 20 2007

OFFICE OF PETITIONS

In re Application of	:	
Jacques P. Frydman	:	
Application No. 11/506,115	:	
Filing or 371(c) Date: 08/17/2006	:	DECISION
Attorney Docket Number: JPF-001	:	ON PETITION

This is a decision on the Request for Reconsideration of Petition Under 37 C.F.R. §§ 1.10(d) and 1.182, filed August 8, 2007, requesting that the above-identified application be accorded a filing date of August 16, 2006, rather than the presently accorded filing date of August 17, 2006. The petition is properly treated under 37 CFR 1.10(d).

Petitioner alleges that the application was deposited in Express Mail service on August 16, 2006. Petitioner has filed the appropriate documentary and corroborating evidence demonstrating that August 16, 2006, was the date the correspondence was deposited Express Mail Post Office to Addressee.

In view of the above, the petition is **granted**.

This application file will be forwarded to the Office of Initial Patent Examination for correction of the filing date to August 16, 2006, and for the mailing of a corrected filing receipt.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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

Honeywell International Inc.
Patent Services Group AB2
P.O. Box 2245
Morristown, NJ 07962

Mail Date: 04/21/2010

Applicant	: Stephen A. Cottrell	: DECISION ON REQUEST FOR
Patent Number	: 7608574	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/506,129	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Steven A. Owen
Eastman Chemical Company
P.O. Box 511
Kingsport TN 37662-5075

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OCT 23 2006
OFFICE OF PETITIONS

In re Application of :
Bruce Roger DeBruin :
Application No. 11/506,131 : DECISION ON PETITION
Filed: August 17, 2006 :
Attorney Docket No. 71322/US12 :

This is a decision on the petition filed September 26, 2006, requesting that the above-identified application be accorded a filing date of August 17, 2006.

The above-identified application was deposited on August 17, 2006. On August 31, 2006, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (Notice), stating that the application was deposited without drawings and that the filing date would be the date of receipt of the omitted drawings. It is noted that the specification filed on August 17, 2006, describes drawings figures; however, no drawings were received in the United States Patent and Trademark Office (Office) on August 17, 2006. Additionally, the Notice indicated that an oath or declaration was missing.

As stated in MPEP § 601.01(f), it is the practice of the Office to treat an application that contains at least one process or method claim as an application for which a drawing is <u>not</u> necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

This application contains process claims. Therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g).

MPEP § 601.01(g) states that if an application is filed without all of the drawing figure(s) referred to in the specification, a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the requirement for submission of drawings as set forth in the "Notice of Incomplete Application" of August 31, 2006, was mailed in error and is hereby withdrawn.

The petition is **granted**. The application is accorded a filing date of August 17, 2006, without any drawings as a part of the original disclosure. The petition fee of $400.00 is unnecessary and will be refunded to Deposit Account No. 05-0221.

Prior to the first Office action on the merits, applicant should file an amendment canceling all references to the figures in the specification.

This matter is being referred to the Office of Initial Patent Examination for further processing with a filing date of August 17, 2006, and an indication in the Office records that zero "0" sheets of drawings were present on filing.

Any inquiries related to this decision should be directed to the undersigned at (571) 272- 3211.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Steven A. Owen
Eastman Chemical Company
P.O. Box 511
Kingsport TN 37662-5075

COPY MAILED
OCT 24 2006
OFFICE OF PETITIONS

In re Application of :
Bruce Roger DeBruin :
Application No. 11/506,132 : DECISION ON PETITION
Filed: August 17, 2006 :
Attorney Docket No. 71322/US14 :

This is a decision on the petition filed September 26, 2006, requesting that the above-identified application be accorded a filing date of August 17, 2006.

The above-identified application was deposited on August 17, 2006. On September 1, 2006, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (Notice), stating that the application was deposited without drawings and that the filing date would be the date of receipt of the omitted drawings. It is noted that the specification filed on August 17, 2006, describes drawings figures; however, no drawings were received in the United States Patent and Trademark Office (Office) on August 17, 2006. Additionally, the Notice indicated that an oath or declaration was missing.

As stated in MPEP § 601.01(f), it is the practice of the Office to treat an application that contains at least one process or method claim as an application for which a drawing is <u>not</u> necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

This application contains process claims. Therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g).

MPEP § 601.01(g) states that if an application is filed without all of the drawing figure(s) referred to in the specification, a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the requirement for submission of drawings as set forth in the "Notice of Incomplete Application" of September 1, 2006, was mailed in error and is hereby withdrawn.

The petition is **granted**. The application is accorded a filing date of August 17, 2006, without any drawings as a part of the original disclosure. The petition fee of $400.00 is unnecessary and will be refunded to Deposit Account No. 05-0221.

Prior to the first Office action on the merits, applicant should file an amendment canceling all references to the figures in the specification.

This matter is being referred to the Office of Initial Patent Examination for further processing with a filing date of August 17, 2006, and an indication in the Office records that zero "0" sheets of drawings were present on filing.

Any inquiries related to this decision should be directed to the undersigned at (571) 272- 3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DAY PITNEY LLP
7 TIMES SQUARE
NEW YORK, NY 10036-7311

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AUG 0 9 2007

OFFICE OF PETITIONS

In re Application of	:	
Akihiro Kuroda, et al.	:	
Application No. 11/506,170	:	DECISION ON PETITION
Filed: August 17, 2006	:	TO WITHDRAW
Attorney Docket No. 3094-39 Cont.	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed March 26, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the petitioners were not appointed by customer number.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: MR. MITSUO MATSUI
MATSUI & ASSOCIATES
NISHISHINBASHI YS BUILDING, 3F
19-2, NISHISHINBASHI 2-CHOME
MINATO-KU TOKYO
JAPAN

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

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JAN 22 2008

OFFICE OF PETITIONS

DAY PITNEY LLP
7 TIMES SQUARE
NEW YORK, NY 10036-7311

In re Application of	:	
Akihiro Kuroda, et al.	:	
Application No. 11/506,170	:	DECISION ON PETITION
Filed: August 17, 2006	:	TO WITHDRAW
Attorney Docket No. 3094-39 Cont.	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed September 4, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The 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.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: MATSUI AND ASSOCIATES
NISHINIBASHI YS BUILDING. 37
19-2, NISHINIBASHI 2-CHOME
MINATO-KU, TOKYO
JAPAN

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DAY PITNEY LLP
7 TIMES SQUARE
NEW YORK, NY 10036-7311

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JUL 07 2008

In re Application of	:	
Akihiro Kuroda, et al.	:	
Application No. 11/506,170	:	DECISION ON PETITION
Filed: August 17, 2006	:	TO WITHDRAW
Attorney Docket No. 3094-39 Cont.	:	FROM RECORD
	:	

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 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.. 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 Lindsay Adams 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.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There is an outstanding Office action mailed April 1, 2008 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: AKIHIRO KURODA
C/O KANEBO LTD., COSEMETICS LABORATORY
3-28, KOTOBUKI-CHO 5-CHOME
ODAWARA-SHI, KANAGAWA 250-0002
JAPAN

cc: MATSUI AND ASSOCIATES
NISHINIBASHI YS BUILDING. 37
19-2, NISHINIBASHI 2-CHOME
MINATO-KU, TOKYO
JAPAN

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
11/506,170	08/17/2006	Akihiro Kuroda	3094-39 Cont.

CONFIRMATION NO. 6927

29540
DAY PITNEY LLP
7 TIMES SQUARE
NEW YORK, NY 10036-7311

POWER OF ATTORNEY NOTICE

OC000000030664182

Date Mailed: 06/25/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/28/2008.

- 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.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100628

DATE : June 28, 2010

TO SPE OF : ART UNIT 2881

SUBJECT : Request for Certificate of Correction on Patent No.: 7,569,842

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:

/ROBERT KIM/
Supervisory Patent Examiner.Art Unit 2881

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100628

DATE : June 28, 2010

TO SPE OF : ART UNIT 2881

SUBJECT : Request for Certificate of Correction on Patent No.: 7,569,842

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:

/ROBERT KIM/
Supervisory Patent Examiner.Art Unit 2881

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

OGILVY RENAULT LLP
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL QC H3A2Y-3 CA CANADA

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FEB 01 2007

OFFICE OF PETITIONS

In re Application of	:	
Beckman, et al.	:	ON PETITION
Application No.: 11/506,197	:	
Filed: August 18, 2006	:	
Attorney Docket No.: 1770-334US JR/as	:	

This is a decision on the petition under 37 CFR 1.47(a), filed December 1, 2006.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

The above-identified application was filed on August 18, 2006. On September 1, 2006, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, requiring applicants to submit various fees, including the basic filing fee, an executed declaration, and a surcharge. On December 1, 2006, petitioners filed, *inter alia*, a one month extension of time, the late declaration surcharge, a petition under 37 CFR 1.47(a) and a declaration signed by two of three joint inventors.

A grantable petition under 37 CFR 1.47(a) requires:

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the petition fee of $200, and
(4) the last known address of the omitted inventor(s).

This petition lacks item (1) above.

As to item (1), applicants have failed to establish that Mr. Gamal Baroud refused to join in the filing of the above-identified application.

The Office requires that the non-signing inventor be provided with a complete copy of the application as filed. This includes the specification with claims, drawings, if any, and a declaration. See MPEP 409.03(d). The statement of facts does not establish that a complete copy of the application was presented to Mr. Baroud.

Mr. Baroud must have the complete application in his possession in order to make an informed decision as to whether he joins in its filing. When petitioners can show that Mr. Baroud received the complete application and that he either refused to sign the declaration or would not respond to the request that he sign the declaration within a reasonable amount of time, petitioners will have satisfied this requirement.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OGILVY RENAULT LLP
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL QC H3A2Y-3 CA CANADA

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APR 17 2007

OFFICE OF PETITIONS

In re Application of
Beckman, et al.
Application No.: 11/506,197
Filed: August 18, 2006
Attorney Docket No.: 1770-334US JR/as

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.47(a), filed March 30, 2007.

The petition is **GRANTED.**

Petitioners have shown that the non-signing inventor, Gamal Baroud, has expressly refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the exhibits to the renewed petition establish that Mr. Baroud received a copy of the application and declaration on March 28, 2007. In an email sent on March 28, 2007, Mr. Baroud stated he would sign the declaration if he received an exclusive license for the invention at issue. Petitioners have submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After the mailing of this decision, the application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GAMAL BAROUD
48 MCFARLAND ROAD
CANTON DE HATLEY, ZC J0B 2C0
CANADA

COPY MAILED

APR 17 2007

OFFICE OF PETITIONS

In re Application of	:	
Beckman, et al.	:	LETTER
Application No.: 11/506,197	:	
Filed: August 18, 2006	:	
Attorney Docket No.: 1770-334US JR/as	:	

Dear Mr. Baroud:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: OGILVY RENAULT LLP
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL QC H3A2Y-3 CA CANADA

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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN VA 22102

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SEP 2 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Markus Hofsass, et al.	:	
Application No. 11/506,201	:	DECISION ON PETITION
Filed: August 18, 2006	:	TO WITHDRAW
Attorney Docket No. 602422000400	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed May 9, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Deborah Gladstein on behalf of all attorneys of record who are associated with customer No. 25227.

All attorneys/agents associated with the Customer Number 25227 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: MARKUS HOFSASS
MAXLRAINSTRASSE 6
MUNCHEN 81541 GERMANY

cc: GERO G. MCCLELLAN
PATTERSON & SHERIDAN, LLP
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON, TX 77056

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/506,201	08/18/2006	Markus Hofsass	602422000400

CONFIRMATION NO. 6181

OC000000025973553

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

Date Mailed: 09/24/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/09/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

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RONALD E. GREIGG
GREIGG & GREIGG P.L.L.C.
1423 POWHATAN STREET, UNIT ONE
ALEXANDRIA, VA 22314

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JUN 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Annica KARKKAINEN	:	
Application No. 11/506,202	:	DECISION ON PETITION TO
Filed: August 18, 2006	:	WITHDRAW FROM RECORD
Attorney Docket No. **(06:99)**	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 3, 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 Ronald E. Greigg, the sole attorney of record. Ronald E. Greigg has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the sole named signing inventor at the address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **ANNICA KARKKAINEN**
410 PARK AVENUE, 15TH FLOOR, APT 794
NEW YORK, NY 10022

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JUN 27 2007

OFFICE OF PETITIONS

DILWORTH & BARRESE, LLP
333 EARLE OVINGTON BLVD.
SUITE 702
UNIONDALE NY 11553

In re Application of :
Inbe, et al. :
Filed: August 18, 2006 : ON PETITION
Application No. 11/506,222 :
Atty. Dkt. No.: 1416-2 :

This decision in response to the petition under 37 CFR 1.57(a) filed November 9, 2006 to accord the instant application a filing date of August 18, 2006. This matter is, *sua sponte*, properly treated as a petition under 37 CFR 1.53(e) to accord the above-identified application a filing date of August 18, 2006.

The application was received August 18, 2006. The Notice of Incomplete Nonprovisional Application (Notice) mailed September 5, 2006 indicated that the application had not been accorded a filing date because the application appeared to have been deposited without complete specification, including at least one claim as required per 35 USC 112.

The Notice indicated that the filing date would be the date of receipt of all items indicated as omitted, unless otherwise indicated in the Notice. The Notice required that any assertions that the item(s) were submitted or were not necessary for a filing date, must be by way of petition (accompanied by required petition fee). The Notice set a two month non-extendible period of time for reply.

DECISION UNDER 37 CFR 1.57

The provisions of 37 CFR 1.57(a) provide that "if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an

incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s)."

In accordance with MPEP 201.13(A), "[a] priority claim need not be in any special form and may be a statement signed by a registered attorney or agent. A priority claim can be made on filing: (A) by including a copy of an unexecuted or executed oath or declaration specifying a foreign priority claim (see 37 CFR 1.63(c)(2)); or (B) by submitting an application data sheet specifying a foreign priority claim (see 37 CFR 1.76).

As no material was inadvertently omitted from the application as filed, rather the material was just translated from Japanese to English, petition pursuant to 37 CFR 1.57 is inapplicable.

Accordingly, the petition under 37 CFR 1.57(a) is hereby **DISMISSED AS MOOT**.

A refund of the previously submitted petition fee has been requested from the Finance Office, Refund Section on petitioners' behalf.

DECISION UNDER 37 CFR 1.53(e)

In accordance with 37 CFR 1.53(e)(2), any request for review of a notification pursuant to 37 CFR 1.53(e)(1), or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

A review of the record reveals that a non-English specification, including claims, accompanied the application papers submitted on August 18, 2006.

In accordance with MPEP 608.01, the Office will accord a filing date to an application meeting the requirements of 35 U.S.C. 111(a), or a provisional application in accordance with 35 U.S.C. 111(b), even though some or all of the application papers, including the written description and the claims, is in a language other than English and hence does not comply with 37 CFR 1.52.

A specification, including claims, was submitted on August 18, 2006, albeit, in the Japanese language. Thus, the application as submitted was entitled to a filing date, having otherwise met

the requirements of 35 U.S.C. 111(a). Accordingly, the Notice as it relates to 35 USC 112 was improperly mailed and is hereby withdrawn. Further, the application is hereby accorded a filing date of August 18, 2006.

Moreover, in accordance with 37 CFR 1.52(d), applicants have submitted an English language translation of the non-English language application, a statement that the translation is accurate, and the processing fee set forth in 37 CFR 1.17(i).

In view thereof, the petition under 37 CFR 1.53(e) to accord the above-identified application a filing date of August 18, 2006 is hereby **GRANTED**.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of August 18, 2006.

Telephone inquiries related to this decision may be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Charles Pearson
Director
Office of Petitions

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Cierra, Inc. &
Townsend & Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

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AUG 29 2008

In re Application of	:	
Mark E. Deem et al.	:	
Application No. 11/506,232	:	DECISION ON PETITION
Filed: August 17, 2006	:	TO WITHDRAW
Attorney Docket No. 022128-000320US	:	FROM RECORD
	:	

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 16, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Doug Portnow on behalf of all attorneys/agents associated with customer number 65689.

All attorneys/agents associated with customer number 65689 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The revocation of power of attorney and change of address filed on July 11, 2008 is not acceptable in that compliance with 37 CFR 3.73(b) has not been met. A proper statement under 3.73(b) setting forth the reel and frame numbers and/or chain of title must be submitted.

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 at the address noted on the oath and declaration, since no assignee has properly intervened in this application. A courtesy copy of this decision will be mailed to address as indicated in 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: Takahiro Kiura
Oblon, Spivak
1940 Duke Street
Alexandria, VA 22314

cc: Mark E. Deem
685 Sierra Avenue
Mountain View, CA 94041

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/506,232	08/17/2006	Mark E. Deem	022128-000320US

CONFIRMATION NO. 8087

POWER OF ATTORNEY NOTICE

OC000000031823748

65689
CIERRA, INC. &
TOWNSEND & TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Date Mailed: 08/29/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/16/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Takahiro Kiura
Oblon, Spivak
1940 Duke Street
Alexandria, VA 22314

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AUG 29 2008

In re Application of :
Mark E. Deem et al. :
Application No. 11/506,232 :
Filed: August 17, 2006 :
Attorney Docket No. 022128-000320US :

DECISION ON REQUEST FOR REVOCATION OF POWER OF ATTORNEY

This is a decision on the Request to Revoke the attorney or agent of record under 37 C.F.R. § 1.36(a), filed July 11, 2008.

The request is **NOT APPROVED**.

A power of attorney, pursuant to § 1.32(b), may be revoked at any stage in the proceeding of a case by an applicant for patent (§ 1.41(b)) or an assignee of the entire interest of the applicant under § 3.71(b). Fewer than all of the applicants (or by fewer than the assignee of the entire interest of the applicant) may only revoke the power of attorney upon a showing of sufficient cause, and payment of the petition fee set forth § 1.17(h). For the assignee to take action a proper statement under § 3.73(b) is required.

The request cannot be approved because compliance with 3.73(b) has not been satisfied. A proper chain of title and/or reel and frame numbers has not been provided on the Statement under 37 CFR 3.73(b). Refer to Form No. PTO/SB/96, which can be found at www.uspto.gov .

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future correspondence will be directed to the inventor until the Office is notified by the applicant or an assignee whom has properly intervened in this application.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-4618.

Kimberly Inabinet
Kimberly Inabinet
Petitions Examiner
Office of Petitions

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DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
Columbia Center
701 Fifth Avenue, Suite 6100
SEATTLE, WA 98104-7043

Mail Date: 04/22/2010

Applicant	: Aaron M. Schoenfeld	: DECISION ON REQUEST FOR
Patent Number	: 7606101	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/506,238	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **441** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/506,241	08/17/2006	Brad D. Rumsey	MICS:0184-1

FLETCHER YODER (MICRON TECHNOLOGY, INC.)
P.O. BOX 692289
HOUSTON TX 77269-2289

DATE MAILED: September 13, 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 28, 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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KLARQUIST SPARKMAN, LLP
121 S.W. SALMON STREET
SUITE 1600
PORTLAND, OR 97204

Mail Date: 04/20/2010

Applicant	: Richard M. Kinney	: DECISION ON REQUEST FOR
Patent Number	: 7641909	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/506,251	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/18/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **475** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 : 5/17/10 **Paper No.:** —

TO SPE OF : ART UNIT 1648

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/506,251 Patent No.: 7641909 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- [x] **Approved** — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

/Zachariah Lucas/ 1648

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HOLLINGSWORTH & FUNK
8500 Normandale Lake Blvd
SUITE 320
MINNEAPOLIS, MN 55437

Mail Date: 04/21/2010

Applicant	: Shelley Marie Cazares	: DECISION ON REQUEST FOR
Patent Number	: 7580741	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/506,253	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/18/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **376** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

BUSKOP LAW GROUP, P.C.
1776 YORKTOWN
SUITE 550
HOUSTON TX 77056

COPY MAILED

NOV 0 1 2006

OFFICE OF PETITIONS

In re Application of	:	
HORTON III, et al.	:	
Application No. 11/506,287	:	DECISION ON PETITION
Filed: August 19, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1507.004	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 19, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The evidence submitted with the instant petition is a copy of Mr. Horton III Texas Driver License 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 3744 for action on the merits commensurate with this decision.

P Volpe for

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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WENDY K. BUSKOP
BUSKOP LAW GROUP, P.C.
1776 YORKTOWN ST.
SUITE 550
HOUSTON, TX 77056

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MAR 19 2007

OFFICE OF PETITIONS

In re Application of	:	
HORTON III, Edward Everett et al.	:	
Application No. 11/506,288	:	DECISION ON PETITION
Filed: August 19, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **1507.003**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 19, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of the inventor's driver's license as evidence that Edward Everett Horton, III is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3744 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/506,294	08/18/2006	Vladimir Paserin	PC-4225/USA	7461

7590 02/02/2009
VALE INCO INTELLECTUAL PROPERTY GROUP
PARK 80 WEST - PLAZA TWO
SADDLE BROOK, NJ 07663

EXAMINER
MILLER, JR, JOSEPH ALBERT

ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
02/02/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☒ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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STEVEN A. OWEN
EASTMAN CHEMICAL COMPANY
P.O. BOX 511
KINGSPORT TN 37662-5075

COPY MAILED
MAY 27 2008

In re Application of	:	
DeBruin	:	
Application No. 11/506,346	:	DECISION
Filed/Deposited: 17 August, 2006	:	
Attorney Docket No. 71322/US13	:	

This is a decision on the "PETITION TO ACCEPT INADVERTENTLY OMITTED MATERIAL UNDER 37 C.F.R. §1.57(a)" filed on 26 September, 2006, requesting that the instant application be accorded a filing date of 17 August, 2006, under 37 C.F.R. §1.57(a), based on the inadvertently omitted drawings being present in the prior-filed co-pending nonprovisional application to which this application claimed benefit under 37 C.F.R. §1.78 on filing. In light of the record this petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

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.

For the reasons stated herein, the petition as considered under the provisions of3 7 C.F.R. §1.53(c)(2) is **GRANTED in part** and **DISMISSED in part**.

Application papers in the above-identified application were deposited on 17 August, 2006.

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

On 5 September, 2006, the Office mailed a "NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION," stating that the application had not been accorded a filing date because the application was deposited without drawings, and gave Petitioner two (2) months within which to reply.

On 26 September, 2006, Petitioner filed, *inter alia*, the instant petition with fee, an executed declaration and surcharge, and copies of 27 sheets of drawings that Petitioner asserts were inadvertently omitted. Petitioner points to the prior-filed nonprovisional Application No. 10/919,931, the claim for priority thereto made in the specification of the instant application and an incorporation of reference therein.

Procedures and showings required for correction of a failure to include specifications and/or drawings from an application are set forth at 37 C.F.R. §1.57.[2] The instant application was filed after 21 September, 2004, and thus, the provisions of 37 C.F.R. 1.57(a) are applicable. Petitioner asserts that the application as deposited for filing on 17 August, 2007,included a claim for priority to the prior-filed nonprovisional Application No. 10/919,931 (filed on 17 August, 2004), and that the drawings were inadvertently omitted from the instant application on deposit. A review of the application confirms that on filing it included a claim (under §1.78) to the prior-filed nonprovisoinal application. The petition includes payment of the petition fee.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one method claim. MPEP §601.01(f) provides 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).

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[2] The regulations at 37 C.F.R. §1.57 provide that: "(a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s)." And: The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:

- Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;
- Supply an English language translation of any prior-filed application that is in a language other than English.
- Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.

If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

Thus, pursuant to §601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP §601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 C.F.R. §1.57(a):

> [i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

A review of the application as deposited by Petitioner reveals that the application contains at least one method claim (e.g., Claim 1, Claim 2, Claim 3, Claim 4).

Thus, the argument of the petition, though obviously not so stated, is construed for the purposes of this decision to mean that drawings are not necessary for a filing date in this application.

In the absence of entry by the Examiner of an amendment, drawing(s) will not be further considered as a part of this application. (Should Petitioner seek to obtain entry of such amendment, Petitioner must present the Examiner with a copy of the prior-filed application averred to have been incorporated by reference in order to evidence the presence in the prior-filed application of the drawings averred herein to have been unintentionally omitted.)

In view of the foregoing, the Notice mailed on 5 September, 2006, hereby is withdrawn to the extent that it indicates no filing date will be granted.

CONCLUSION

The petition under 37 C.F.R. §1.53 is **granted in part** to the extent that the application will be accorded the filing date of 17 August, 2006, without the drawings as part of the original

disclosure of the application; in all other respects the petition **is dismissed**. The Petition fee is waived and is refunded to Deposit Account 05-0221. Should Petitioner later find that a petition fee was not refunded, Petitioner should request a refund from the Office of Finance and enclose therewith a copy of this decision.

This application is being referred to the Office of Patent Application Processing (OPAP) (formerly Office of Initial Patent Examination (OIPE)) to be processed for:

- **correction of the filing date to 17 August, 2006;**
- **for indication in Office records, as appropriate, with the 10 pages of specification (description, claims, abstract) deposited on 17 August, 2006, and "0" sheets of drawings were present on filing and**
- **for issuance of a filing receipt.**

Entry of the amendment, if and when filed, will be determined by the Examiner.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[3]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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[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.

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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

Mail Date: 04/21/2010

Applicant	: Kevin R. Shea	: DECISION ON REQUEST FOR
Patent Number	: 7666797	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/506,347	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **718** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.:20090824

DATE : August 24, 2009

TO SPE OF : ART UNIT 2824

SUBJECT : Request for Certificate of Correction on Patent No.: 7567461

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.

Angela Green

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:

Approved. /R.T.E./ 8/24/09

8/24/09

RICHARD T. ELMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

SPE: Richard Elms **Art Unit** 2824

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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

In re Application of Weiss	:	
Application No. 11/506,412	:	Decision on Petition
Filing Date: August 17, 2006	:	
Attorney Docket No. 051375/315671	:	

This is a decision in response to the petition filed November 6, 2006, requesting the application be accorded a filing date of August 17, 2006.

The petition is **granted**.

The application was filed in German on August 17, 2006.

The Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" on September 5, 2006. The Notice stated claims did not appear to be part of the application as filed and that a filing date would be accorded upon the submission of one or more claims.

In response, the present petition was filed. Petitioner alleges claims were filed with the original application, albeit in German.

MPEP 608.01 states,

> The U.S. Patent and Trademark Office will accord a filing date to an application meeting the requirements of 35 U.S.C. 111(a), or a provisional application in accordance with 35 U.S.C. 111(b), even though some or all of the application papers, including the written description and the claims, is in a language other than English and hence does not comply with 37 CFR 1.52.

Petitioner has provided a translation of the original papers. A review of the original papers and the translation papers indication claims were in fact filed on August 17, 2006.

For the reasons above, the application has been accorded a filing date of August 17, 2006.

The Notice mailed September 5, 2006, was sent in error and is hereby vacated.

The Office has not charged a petition fee to petitioner's deposit account.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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TECHNOLOGY CENTER 3600

WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

In re application of Sachin Goel Application No. 11/506,451 Filed: August 18, 2006 For: SYSTEM FOR CONCURRENT OPTIMIZATION OF BUSINESS ECONOMICS AND CUSTOMER VALUE	**DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION)**

This is in response to the petition filed on August 28, 2006 (with a Certificate of Mailing of August 21, 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. This petition was supplemented by a Renewed Petition filed April 13, 2007.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

The petition fails to adequately meet requirements (D) above. Regarding item (D), the statement "A copy of each of the references deemed most closely related to the subject matter of the application has been filed in the grandparent application 10/973,802." is unacceptable. The copies need to be of record in this application.

For the above stated reasons, the petition is **DISMISSED**.

Petitioner is given one more opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

Applicant should promptly submit a renewed petition to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

Steven N. Meyers
Quality Assurance Specialist
Technology Center 3600
(703) 308-3868

SNM/dew: 05/21/07

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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JUL 1 1 2007

TECHNOLOGY CENTER 3600

WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

In re application of Sachin Goel Application No. 11/506,451 Filed: August 18, 2006 For: SYSTEM FOR CONCURRENT OPTIMIZATION OF BUSINIESS ECONOMICS AND CUSTOMER VALUE	:	**DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION)**

This is in response to the petition filed on April 13, 2007 and the renewed petition filed June 18, 2007 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

Since all of the requirements for special status under MPEP § 708.02 VIII have now been met, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.

Kenneth J. Dorner
Quality Assurance Specialist
Technology Center 3600
571-272-6587

KJD/dew: 07/05/07

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PETER I. LIPPMAN
17900 MOCKINGBIRD DRIVE
RENO NV 89508

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JUN 05 2009
OFFICE OF PETITIONS

In re Application of	:	
Algirdas Avizienis	:	
Application No. 11/506,455	:	DECISION ON PETITION
Filed: August 18, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. xAAA-03	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 13, 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 from the applicant declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2114 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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BRINKS HOFER GILSON & LIONE/CHICAGO/COOK
P.O. BOX 10395
CHICAGO, IL 60610

MAILED

MAY 10 2010

OFFICE OF PETITIONS

In re Application of
Jeffry S. MELSHEIMER
Application No. 11/506,459
Filed: August 17, 2006
Attorney Docket No. **1000-348**

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 10, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **BRINKS HOFER GILSON & LIONE/CHICAGO/COOK** has been revoked by the assignee of the patent application on February 24, 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 the undersigned at 571-272- 7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **BUCHANAN INTELLECTUAL PROPERTY OFFICE, LLC**
P.O. BOX 700
PERRYSBURG, OH 43552-0700

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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DAVID SMALL
C/-VICTORIA GAW
2561 VERBENA DRIVE, HOLLYWOOD
LOS ANGELES, CA 90068

MAILED

FEB 26 2010

OFFICE OF PETITIONS

In re Application of	:	
David Small	:	
Application No. 11/506,468	:	ON PETITION
Filed: August 18, 2006	:	
Attorney Docket No.	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 18, 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 March 31, 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 July 1, 2009.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3662 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Scott A. Felder
Wiley Rein LLP
Attn: Patent Administration
1776 K Street NW
Washington, DC 20006

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

GLENN E. KLEPAC
825 FIFTH AVE.
SUITE 209
NEW KENSINGTON PA 15068-6310

COPY MAILED

NOV 0 2 2006

OFFICE OF PETITIONS

In re Application of	:	
RATLIFF	:	
Application No. 11/506,506	:	DECISION ON PETITION
Filed: August 21, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. Ratliff - 1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petitions under 37 CFR 1.102(c)(1), to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV and under 37 CFR 1.102(c)(2)(ii) to make the above application special based "on the grounds that his invention materially contributes to the development of energy resources by more efficiently exploiting solar energy" as set forth in M.P.E.P. § 708.02, Section VI, filed August 21, 2006.

The petition under 37 CFR 1.102(c)(1), Section IV, 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. Ratliff indicating that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

In view of the above petition being granted and the application being made special, the petition under 37 CFR 1.102(c)(2)(ii), Section VI, is **DISMISSED AS MOOT**.

Telephone inquiries concerning this decision should be directed to the undersigned 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 3749 for action on the merits commensurate with this decision.

P A Volpe

Patricia A. Volpe
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

MARK FINSTAD
4541 200TH LN NW
OAK GROVE MN 55303

COPY MAILED
DEC 2 2 2008
OFFICE OF PETITIONS

In re Application of	:	
Finstad	:	
Application No. 11/506,543	:	DECISION
Filed/Deposited: 18 August, 2006	:	
Attorney Docket No. (None)	:	

This is a decision on the petition filed on 19 November, 2008, pursuant to 37 C.F.R. §1.137(a) and averring unavoidable delay, and in light of Petitioner's averment of non-receipt, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 C.F.R. §1.181 is **DISMISSED**; the petition under 37 C.F.R. §1.137(a) is **DISMISSED**.

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.137(a)" and/or (*note* 37 C.F.R. §1.181(f)) a cover letter and be entitled as a "Renewed Petition under 37 C.F.R. §1.181 to Withdraw the Holding of Abandonment."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

Petitioner's alternative is to file a complete and fully executed petition (with properly executed supporting statements where necessary) 37 C.F.R. §1.137(b), discussed below.

As to Allegation of
Unavoidable Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(a) are the petition and fee therefor, a reply, a proper showing of unavoidable delay under the regulation, and, where applicable, a terminal disclaimer and fee. (However, it does not appear that a terminal disclaimer

and fee are due here.) Petitioner is directed to the Commentary at MPEP §711.03(c)(II) for guidance as to the proper showing requirements.

Petitioner does not appear to have satisfied the reply (fees due) and showing requirements as to unavoidable delay (*see*: MPEP §711.03(c).). It is noted that Petitioner avers non-receipt, which is more appropriately submitted/considered under 37 C.F.R. §1.181. Thus, Petitioner's attentions are directed to the Commentary at MPEP §711.03(c), generally, and MPEP §711.03(c)(I) in particular.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness requirements for relief under 37 C.F.R. §1.181.

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance and Fees Due (copy enclosed) mailed on 25 June, 2008, with reply due under a non-extendable deadline on or before 25 September, 2008.

The application went abandoned by operation of law after midnight 25 September, 2008.

The Office mailed the Notice of Abandonment on 21 October, 2008.

> On 19 November, 2008, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(a) averring unavoidable delay—indicating the basis of that delay as non-receipt of the Notice—but failing to provide the proper reply (fees due), the documentary showing of the basis of the delay (*see*: MPEP §711.03(c)(II)). Because of the averment of non-receipt, the petition also is considered pursuant to 37 C.F.R. §1.181—and, again, Petitioner must consult the guidance in the Commentary at (*see*: MPEP §711.03(c)(I)) to satisfy the mandated showings:

***

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.[1]

***

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation– since all owe to the Office the continuing duty to disclose.[2]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

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[1] *See*: MPEP §711.03(c) (I)(A).

[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).

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).

As to Allegations of Unavoidable Delay

The requirements under 37 C.F.R. §1.137(a) have not been satisfied as of this writing in that Petitioner failed to make the showing of unavoidable delay and provide a reply to the Office action as required.

Allegations as to the Request to Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

CONCLUSION

Accordingly, The petition under 37 C.F.R. §1.137(a) is **dismissed**; the petition under 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." (The statement is in the form available online.)

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[3]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[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.

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 06/25/2008

Mark Finstad
4541 200th LN NW
Oak Grove, MN 55303

EXAMINER	
PATEL, BHARAT C	
ART UNIT	PAPER NUMBER
3724	

DATE MAILED: 06/25/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/506,543	08/18/2006	Mark T. Finstad		7791

TITLE OF INVENTION: KERF SPACER FOR WOOD CUTTING SAW

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$720	$300	$0	$1020	09/25/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 06/25/2008

Mark Finstad
4541 200th LN NW
Oak Grove, MN 55303

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/506,543	08/18/2006	Mark T. Finstad		7791

TITLE OF INVENTION: KERF SPACER FOR WOOD CUTTING SAW

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$720	$300	$0	$1020	09/25/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
PATEL, BHARAT C	3724	083-102100

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:
- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. 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 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, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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.

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.
11/506,543	08/18/2006	Mark T. Finstad		7791

7590 06/25/2008

Mark Finstad
4541 200th LN NW
Oak Grove, MN 55303

EXAMINER
PATEL, BHARAT C

ART UNIT	PAPER NUMBER
3724	

DATE MAILED: 06/25/2008

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 251 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 251 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

Notice of Allowability	Application No.	Applicant(s)	
	11/506,543	FINSTAD, MARK T.	
	Examiner	Art Unit	
	BHARAT C. PATEL	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *10/25/2006*.

2. ☒ The allowed claim(s) is/are *13-15*.

3. ☐ 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 the:
      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)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species

A: Figs. 1- 2 & 8-12 – a wood cutting saw kerf spacer.

B. Figs. 3A, 3B, 4 & 8-12 – a wood cutting saw kerf spacer.

C. Figs. 6A, 6B & 7-12 – a wood cutting saw kerf spacer.

D. Figs. 13A, 13B, 8-12, – a wood cutting saw kerf spacer.

E. Figs. 14-21 – a wood cutting saw kerf spacer.

F. Figs. 22A, 22B – a wood cutting saw kerf spacer

G. Figs. 23A & 23B – a wood cutting saw kerf spacer

The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no one claim is generic.

There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would

not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected species**, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election of the species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

2. During a telephone conversation with the Applicant (Mr. M. Finstad) on 5/20/08 a provisional election was made without traverse to prosecute the invention of Species E, claims 13-16. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-12 and 17-20 are cancelled from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Mark Finstad on 6/03/08.

The application has been amended as follows:

Claim 13 has been amended as follows:

On line 19, "inserted." has been changed to -- inserted; at least one stop and lock feature to maintain the upper portion of the kerf spacer in the non-rotated position.--

Claim 16 is cancelled.

Claims 1-12 and 17-20, which are non-elected, are cancelled.

Specification has been amended as follows:

Para 0024, line 2; "truck diameters" has been changed to -- trunk diameters --.

Allowable Subject Matter

4. Claims 13-15 are allowed.

5. The following is an examiner's statement of reasons for allowance: Prior art does not teach in combination with the other limitations of the independent claims A wood cutting kerf spacer with upper portion rotatable in relation to the lower portion, having one stop and lock feature to maintain the upper portion in the non-rotated position.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as per attached Notice of References Cited.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BHARAT C. PATEL whose telephone number is (571)270-3078. The examiner can normally be reached on Monday-Friday, alt. Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 24502. 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.

/Bharat C Patel/
Examiner, Art Unit 3724
June 3, 2008.

/Boyer D. Ashley/
Supervisory Patent Examiner, Art Unit 3724

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MARK FINSTAD
4541 200TH LN NW
OAK GROVE MN 55303

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FEB 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Finstad	:	
Application No. 11/506,543	:	DECISION
Filed/Deposited: 18 August, 2006	:	
Attorney Docket No. (None)	:	

This is a decision on the petition filed on 6 January, 2009, and supplemented on 17 February, 2009, averring non-receipt and considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioners always are directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness requirements for relief under 37 C.F.R. §1.181. Petitioners must, *inter alia*, aver non-receipt and search with non-discovery, describe the docketing system and aver reliability, and present a copy of the docket record of the application in question and a due-date docket for the firm.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance and Fees Due (copy enclosed) mailed on 25 June, 2008, with reply due under a non-extendable deadline on or before 25 September, 2008.

The application went abandoned by operation of law after midnight 25 September, 2008.

The Office mailed the Notice of Abandonment on 21 October, 2008.

On 19 November, 2008, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(a) averring unavoidable delay—indicating the basis of that delay as non-receipt of the Notice—but failed to provide the proper reply (fees due), the documentary showing of the basis of the delay (*see*: MPEP §711.03(c)(II)). Because of the averment of non-receipt, the petition also was considered pursuant to 37 C.F.R. §1.181—and, again, Petitioner failed to satisfy the showings mandated at MPEP §711.03(c)(I)).Therefore the petition was dismissed on 22 December, 2008.

Petitioner submitted a petition on 6 January, 2009, and therein tracked the requirements set forth at MPEP §711.03(c)(I), and averred non-receipt, search and non-discovery, described the docketing system and averred reliability, and presented a copy of the docket record of the application in question and a due-date docket for his office—evidencing that, should the Notice in question have been received, Petitioner's reliable docketing system would have presented the matter on both of those documents. The absence of the matter listed in those documents, Petitioner asserts, supports the averment of non-receipt.

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and that those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[2],[3]

---

[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).

[2] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[3] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Allegations as to the Request to
Withdraw the Holding of Abandonment

The record evidences a satisfactory presentation of the showing requirements under the Rule.

CONCLUSION

The petition as considered under 37 C.F.R. §1.181 is **granted**, and the 21 October, 2008, Notice of Abandonment is **vacated**.

The instant application is released to the Technology Center/AU 3724 for further processing as necessary **to include the re-mailing of the Notice of Allowance and Fees Due** in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[4] 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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BUCKLEY, MASCHOFF & TALWALKAR LLC
50 LOCUST AVENUE
NEW CANAAN, CT 06840

Mail Date: 04/21/2010

Applicant	: Simon Phillips	: DECISION ON REQUEST FOR
Patent Number	: 7665668	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/506,547	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/18/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **273** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Jonathan P. O"Brien, Ph.D.
Honigman Miller Schwartz & Cohn LLP
350 East Michigan Avenue
Suite 300
Kalamazoo MI 49007-3800

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OFFICE OF PETITIONS

In re Application of	:	
Tanoury et al.	:	
Application No. 11/506550	:	ON APPLICATION FOR
Filing or 371(c) Date: 08/18/2006	:	PATENT TERM ADJUSTMENT
Atty Docket No.:	:	
223306/05-116 US/120403	:	

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.705(b), filed March 15, 2010. Applicant submits that the estimated patent term adjustment to be indicated on the patent is a minimum of 197 days, not 174 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent. The application for patent term adjustment is properly treated under 37 C.F.R. § 1.705(b).

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised

that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and ***must*** include payment of the required fee under 37 CFR 1.18(e).

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions

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[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

Mail Date: 04/20/2010

Applicant	: David J. Walsh	: DECISION ON REQUEST FOR
Patent Number	: 7655731	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/506,553	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/18/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **172** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Joseph W. Price
SNELL & WILMER LLP
Suite 1400
600 Anton Boulevard
Costa Mesa, CA 92626-7689

Mail Date: 04/21/2010

Applicant	: Yukinori Fujimoto	: DECISION ON REQUEST FOR
Patent Number	: 7641238	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/506,558	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/18/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **516** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

In re Application of :
John P. Cole :
Application No. 11/506,564 :
Filed: August 17, 2006 :
Attorney Docket No. 030.P001C :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petitions, filed August 27, 2007, which are being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark Office (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **DISMISSED** as inappropriate for the reasons stated below.

The record discloses that, on August 17, 2006, the date of filing of the instant application, a Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) was filed certifying that "the invention disclosed in the attached **application has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing."

Petitioner now requests under 35 U.S.C. § 122(b)(2)(B)(ii) that the Request and Certification Under 35 U.S.C. § 122(b)(2)(B)(i) be rescinded and that this application be deemed not to be abandoned per 35 U.S.C. §122(b) and 37 CFR 1.213(c) due to applicant's failure to inform the USPTO of the filing of a prior-filed corresponding international or foreign application. In this regard, petitioner states that applications to which this application claims priority to were filed as PCT applications, which dates are prior to the date of filing the instant application.

To answer the point raised in the petition under 37 CFR 1.182 as to whether this application is deemed to be abandoned, petitioner is advised that this nonprovisional application did not become abandoned as a result of the filing of a corresponding application filed in another country, or under a multilateral international agreement, **subsequent** to the filing of the present application. In this regard, 35 U.S.C. § 122((b)(2)(B)(iii) states:

> An applicant who has made a request under clause (i) but who **subsequently files, in a foreign country or under a multilateral international agreement** specified in clause (i), an application directed to the invention disclosed in the application filed in the Patent and Trademark Office, shall notify the Director of such filing not later than 45 days **after the date of the filing of such foreign or international application**. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional [emphasis supplied].

The facts of this case are that the subject application was filed on August 17, 2006, and the corresponding foreign applications were filed prior to the filing date of this application. The statute does not provide for the situation where a certification under 35 U.S.C. § 122(b)(2)(B)(i) was made, despite the fact that an application was previously filed in another country or under the multilateral international agreement. The provisions of 35 U.S.C. § 122(b)(2)(B)(iii) only provide for revival in the situation where a certification was made under 35 U.S.C. § 122(b)(2)(B)(i) at the time of filing the application and an application was **subsequently** filed in a foreign country without notifying the Office within 45 days of the filing thereof.

In view of the above and since this application did not become abandoned pursuant to the provisions of 35 U.S.C. § 122(b)(2)(B)(iii), a petition to revive under the provisions of 37 CFR 1.137(b) is inappropriate and, therefore, must be dismissed.

Applicants and their representatives should make sure that the certification is proper before signing and filing the nonpublication request with the Office. While applicants should rescind any improper certification as soon as possible, 35 U.S.C. 122(b)(2)(B)(i)-(iv) does not include any provision for "correction" of an improper certification. While applicant cannot undo the fact that an improper certification was made in this application, with the filing of the rescission request, applicant may explain that the original certification was improper. *Note* on the USPTO.gov website, under American Inventor's Protection Act of 1999, Eighteen-Month Publication, Q & A No. CQ6.

The Request and Certification Under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing indicating a projected publication date of February 28, 2008 accompanies this decision.

The rules and statutory provisions governing the operations of the USPTO require payment of a fee on filing each petition. *See* 35 U.S.C. § 41(c)(7). Accordingly, the petition fee of $1,500 assessed to petitioner's deposit account on August 28, 2007 will not be refunded since the Office was required to evaluate the merits of the petition before being able to determine that the petition was not appropriate. However, the $130 fee submitted for the 37 CFR 1.182 petition (which fee is actually $400) will be refunded to petitioner's deposit account in due course in view of the consolidated treatment of this petition under 37 CFR 1.137(b).

This application is being forwarded to Technology Center AU 3734 for examination in due course.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3218.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/506,564	08/17/2006	John P. Cole	030.P001C

CONFIRMATION NO. 7787

43831
BERKELEY LAW & TECHNOLOGY GROUP, LLP
17933 NW Evergreen Parkway, Suite 250
BEAVERTON, OR 97006

NONPUBLICATION RESCISSION LETTER

OC000000026820493

Date Mailed: 11/20/2007

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 02/28/2008.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

CHIEF PATENT COUNSEL
SMITH & NEPHEW, INC.
1450 BROOKS ROAD
MEMPHIS TN 38116

COPY MAILED

JUN 21 2007

OFFICE OF PETITIONS

In re Application of
Mark Melton, Anthony James,
Steve Bruneau, Thomas W.
Rassmann, and Jonathan D.
Langlois
Application No. 11/506,575
Filed: August 18, 2006
Attorney Docket No.
39262/333637
Title: SYSTEM FOR BIOMEDICAL
IMPLANT CREATION AND
PROCUREMENT

DECISION ON PETITION

This is in response to the petition under 37 C.F.R. §1.47(a)[1], filed April 13, 2007.

On August 18, 2006, the application was filed, identifying only Mark Melton, Anthony James, and Steve Bruneau as joint inventors.

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;
(5) a declaration which complies with 37 CFR §1.63.

The application was deposited without an executed oath or declaration. On September 11, 2006, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

Along with the present petition, Petitioner has submitted a declaration which identifies Mark Melton, Anthony James, Steve Bruneau, Thomas W. Rassmann, and Jonathan D. Langlois as joint inventors, and has been executed by each of these individual save Mr. Melton. Petitioner has further included the surcharge associated with the late submission of the same, a statement of facts, the petition fee, and a five-month extension of time to make timely this response (it is noted that the submission contains a certificate of mailing dated April 11, 2007).

Petitioner has met each of the five requirements of Rule §1.47(a), and has submitted all required fees. Therefore, the petition is **GRANTED** and this application is hereby accorded Rule §1.47(a) status.

As provided in Rule §1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

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) 272-3225[2]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

---

2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
12275 EL CAMINO REAL, SUITE 200
SAN DIEGO CA 92130

MAILED

JUL 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Liu et al.	:	DECISION ON PETITION
Application No. 11/506,593	:	TO WITHDRAW
Filed: August 18, 2006	:	FROM RECORD
Attorney Docket No. 12MN-125019	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 15, 2010.

The request is **NOT APPROVED.**

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 current request does not set forth the following certifications: (2) and (3) above. Accordingly, any subsequent requests must include all of the above listed certifications pursuant to 37 CFR 10.40.

Further, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There is an outstanding Office action mailed April 27, 2010, that requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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AUG 03 2007

OFFICE OF PETITIONS

SHERRY SCHUMM
C/O INTELLEVATE LLC
PO BOX 52050
MINNEAPOLIS, MN 55402

In re Application of	:	
SKIBA, et al.	:	
Application No. 11/506,595	:	DECISION ON PETITION
Filed: August 18, 2006	:	TO WITHDRAW
Attorney Docket No. **2329-050U**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 21, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to **SHERRY SCHUMM C/O INTELLEVATE LLC** has been revoked by the applicant of the patent application on December 27, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **MESCHKOW & GRESHAM PLC**
5727 N. 17TH STREET, SUITE 409
PHOENIX, AZ 85014

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEESON SKINNER BEVERLY, LLP
ONE KAISER PLAZA
SUITE 750
OAKLAND CA 94612

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OCT 31 2006

OFFICE OF PETITIONS

In re Application of	:	
Richards P. Lyons	:	
Application No. 11/506,601	:	DECISION ON PETITION
Filed: August 18, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. D3068-001.B	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 28, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a declaration statement signed by the applicant. 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 2872 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

Mail Date: 04/21/2010

Applicant	: Martin Crnkovich	: DECISION ON REQUEST FOR
Patent Number	: 7605710	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/506,602	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/18/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **300** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MESCHKOW & GRESHAM, P.L.C.
5727 NORTH SEVENTH STREET, SUITE 409
PHOENIX AZ 85014

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AUG 0 2 2007

OFFICE OF PETITIONS

In re Application of

SKIBA, Jeffry B. et al.
Application No. 11/506,608
Filed: August 18, 2006
Attorney Docket No. **2329.070U**

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, 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 Tredelle Jackson at 571-272- 2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **SHERRY SCHUMM**
C/O INTELLEVATE, LLC
P.O. BOX 52050
MINNEAPOLIS, MN 55402

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

Lauson & Tarver LLP
880 Apollo Street
SUITE 301
El Segundo CA 90245

MAILED

JUN 18 2009

OFFICE OF PETITIONS

In re Application of :
Albert William Ziegler : DECISION ON PETITION
Application No. 11/506,616 :
Filed: August 17, 2006 :
Attorney Docket No. 22197-002 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNDER 37 CFR 1.137(b) filed December 9, 2008.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.137(b)."

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed March 19, 2008. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). A reply and extension of time were filed on October 20, 2008. However, the maximum extendable period for reply ended on September 19, 2008. No reply timely filed and no extension of time timely obtained, the application became abandoned effective June 20, 2008. A courtesy Notice of Abandonment was mailed on October 30, 2008.

In response, the instant petition was filed. Petitioner requests that the Office combine an enclosed check of $195 with the previous payment of $555 submitted for an extension of time to cover the petition fee of $750. The Office has received the check for $195. Further, since the $555 extension of time fee

submitted with the amendment on October 20, 2008 was submitted subsequent to the maximum extendable period for reply, this fee is unnecessary and may be refunded and applied to pay the petition fee. Unfortunately, as of the filing of this petition, the petition fee was not $750. Moreover, the fee is now $810 for a small entity. Thus, petitioner has not submitted an adequate fee.

35 U.S.C. 41(a) (7) provides that a petition for the revival of an unintentionally abandoned application or for the unintentionally delayed payment of the issue fee must be accompanied by the petition fee set forth in 37 C.F.R. § 1.17(m), unless the petition is filed under 35 U.S.C. 133 or 151 (on the basis of unavoidable delay), in which case the fee is set forth in 37 C.F.R. § 1.17(l). Thus, unless the circumstances warrant the withdrawal of the holding of abandonment (i.e., it is determined that the application is not properly held abandoned), the payment of a petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of the abandoned application, and cannot be waived.

In addition, the phrase "[o]n filing" in 35 U.S.C. 41(a)(7) means that the petition fee is required for the filing (and not merely the grant) of a petition under 37 C.F.R. § 1.137. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6 (1982), reprinted in 1982 U.S.C.C.A.N. 770 ("[t]he fees set forth in this section are due on filing the petition"). Therefore, the Office: (A) will not refund the petition fee required by 37 C.F.R. § 1.17(l) or 1.17(m), regardless of whether the petition under 37 C.F.R. § 1.137 is dismissed or denied; and (B) will not reach the merits of any petition under 37 C.F.R. § 1.137 lacking the requisite petition fee.

It is undisputed that the instant application is properly abandoned. Accordingly, withdrawal of the holding of abandonment is warranted. The petition fee is required to consider revival. As payment of a petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of an abandoned application and petitioner has not made such a payment, the petition must be dismissed without consideration on the merits under § 1.137.

The deficiency in payment of the fee, presently $60, is required.

The instant petition was filed by a registered practitioner in a representative capacity. No change of address has been filed in this case, although the address given on the petition differs from the address of record. If applicant wishes for further correspondence to be sent to the address set on the petition, a change of address should be filed in this case in accordance with MPEP 601.03. It is noted that a practitioner not of record in the application may not change the correspondence address. 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, which is associated with a customer number.

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

cc: John Alumit
16830 Ventura Blvd.
Suite 360
Encino CA 91439

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

Lauson & Tarver LLP
880 Apollo Street
SUITE 301
El Segundo CA 90245

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JUN 18 2009

OFFICE OF PETITIONS

In re Application of :
Albert William Ziegler : DECISION ON PETITION
Application No. 11/506,616 :
Filed: August 17, 2006 :
Attorney Docket No. 22197-002 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNDER 37 CFR 1.137(b) filed December 9, 2008.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.137(b)."

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed March 19, 2008. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). A reply and extension of time were filed on October 20, 2008. However, the maximum extendable period for reply ended on September 19, 2008. No reply timely filed and no extension of time timely obtained, the application became abandoned effective June 20, 2008. A courtesy Notice of Abandonment was mailed on October 30, 2008.

In response, the instant petition was filed. Petitioner requests that the Office combine an enclosed check of $195 with the previous payment of $555 submitted for an extension of time to cover the petition fee of $750. The Office has received the check for $195. Further, since the $555 extension of time fee

submitted with the amendment on October 20, 2008 was submitted subsequent to the maximum extendable period for reply, this fee is unnecessary and may be refunded and applied to pay the petition fee. Unfortunately, as of the filing of this petition, the petition fee was not $750. Moreover, the fee is now $810 for a small entity. Thus, petitioner has not submitted an adequate fee.

35 U.S.C. 41(a) (7) provides that a petition for the revival of an unintentionally abandoned application or for the unintentionally delayed payment of the issue fee must be accompanied by the petition fee set forth in 37 C.F.R. § 1.17(m), unless the petition is filed under 35 U.S.C. 133 or 151 (on the basis of unavoidable delay), in which case the fee is set forth in 37 C.F.R. § 1.17(l). Thus, unless the circumstances warrant the withdrawal of the holding of abandonment (i.e., it is determined that the application is not properly held abandoned), the payment of a petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of the abandoned application, and cannot be waived.

In addition, the phrase "[o]n filing" in 35 U.S.C. 41(a)(7) means that the petition fee is required for the filing (and not merely the grant) of a petition under 37 C.F.R. § 1.137. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6 (1982), reprinted in 1982 U.S.C.C.A.N. 770 ("[t]he fees set forth in this section are due on filing the petition"). Therefore, the Office: (A) will not refund the petition fee required by 37 C.F.R. § 1.17(l) or 1.17(m), regardless of whether the petition under 37 C.F.R. § 1.137 is dismissed or denied; and (B) will not reach the merits of any petition under 37 C.F.R. § 1.137 lacking the requisite petition fee.

It is undisputed that the instant application is properly abandoned. Accordingly, withdrawal of the holding of abandonment is warranted. The petition fee is required to consider revival. As payment of a petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of an abandoned application and petitioner has not made such a payment, the petition must be dismissed without consideration on the merits under § 1.137.

The deficiency in payment of the fee, presently $60, is required.

The instant petition was filed by a registered practitioner in a representative capacity. No change of address has been filed in this case, although the address given on the petition differs from the address of record. If applicant wishes for further correspondence to be sent to the address set on the petition, a change of address should be filed in this case in accordance with MPEP 601.03. It is noted that a practitioner not of record in the application may not change the correspondence address. 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, which is associated with a customer number.

Further correspondence with respect to this decision should be addressed as follows:

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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

cc: John Alumit
16830 Ventura Blvd.
Suite 360
Encino CA 91439

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El Segundo CA 90245

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OCT 27 2009

OFFICE OF PETITIONS

In re Application of :
Albert William Ziegler : DECISION ON PETITION
Application No. 11/506,616 :
Filed: August 17, 2006 :
Attorney Docket No. 22197-002 :

This is a decision on the RENEWED PETITION UNDER 37 CFR 1.137(b) filed July 13, 2009.

The petition is **GRANTED**.

The above-identified application became abandoned effective June 20, 2008 for failure to file a reply to the non-final Office action mailed March 19, 2008. A courtesy Notice of Abandonment was mailed on October 30, 2008.

By decision mailed June 18, 2009, an initial petition to revive was dismissed without consideration on the merits. The petition was deficient by $60 in payment of the required petition fee.

On instant petition, the deficiency of $60 has been paid. Consideration now turns to the merits of the petition.

The required reply in the form of an amendment was filed on October 20, 2008. The initial petition included the required statement of unintentional delay. The renewed petition includes payment of the deficiency for a full payment of the petition fee of $810 (the fee as of the date of filing of the renewed petition). No terminal disclaimer is required. Thus, it is concluded that all requirements for revival pursuant to 37 CFR 1.137(b) have been met.

Technology Center AU 3634 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the (late) reply submitted October 20, 2008.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions