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SEP 10 2007

**OFFICE OF PETITIONS**

In re Application of :  
Knoll, et al. : DECISION ON PETITION  
Application No. 11/521,125 :  
Filed: September 14, 2006 :  
For: SYSTEM AND METHOD OF :  
DYNAMIC INSERTION OF DATA :

The above-identified application has been forwarded to the Office of Petitions for consideration of the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed July 9, 2007.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **GRANTED**.

This application was held abandoned December 4, 2006 for failure to timely submit a proper reply to the Notice mailed October 3, 2006. The Notice set a two month statutory period of time for reply. Notice of Abandonment was mailed June 6, 2006.

Petitioners allege a response to the Notice was timely filed. Petitioners have included a copy of the reply purportedly timely filed. The reply bears a certificate of mailing date of November 6, 2006 in accordance with 37 CFR 1.8 and is thus deemed to have been timely submitted.

The required surcharge due in connection with the submission of the declaration has been charged to petitioners' deposit account as authorized.

The original response filed November 6, 2006 has not been located. However, 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The Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.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 Technology Center 2600 for further processing.

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

A handwritten signature in black ink, appearing to read 'Alesia M. Brown', written in a cursive style.

Alesia M. Brown  
Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
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**SEP 17 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Knoll, et al. : DECISION ON PETITION  
Application No. 11/521,126 :  
Filed: September 14, 2006 :  
For: SYSTEM AND METHOD OF :  
SECURING OPTICAL MEDIA :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed July 9, 2007.

This application was held abandoned for failure to timely submit a proper reply to the Notice mailed October 3, 2006. Notice of Abandonment was mailed June 6, 2007.

Petitioners assert that a response to the Notice was timely submitted and have provided a copy of the reply purportedly filed. The copy of the reply bears a certificate of mailing date of November 6, 2006.

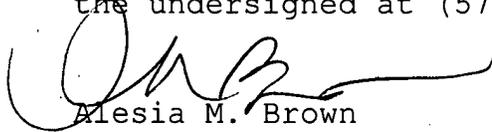
The original response was submitted November 6, 2006 has not been located in the application file. The response bears a certificate of mailing date of November 6, 2006 in accordance with 37 CFR 1.8 and is thus deemed to have been timely submitted.

In view of the evidence thereof, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

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

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

A handwritten signature in black ink, appearing to read 'AMB', with a long horizontal flourish extending to the right.

Alesia M. Brown  
Petitions Attorney  
Office of Petitions

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

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

DATE : 04-22-09

TO SPE OF : ART UNIT 1644

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/521129 Patent No.: 7501120

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

**FOR IFW FILES:**

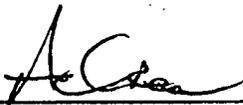
Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

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

**FOR PAPER FILES:**

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

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

  
\_\_\_\_\_  
Angela Green  
Certificates of Correction Branch  
703-756-1541

Thank You For Your Assistance

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

Approved

All changes apply.

Approved in Part

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

Denied

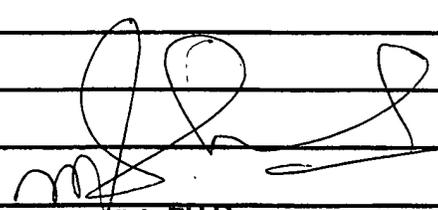
State the reasons for denial below.

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

  
RAM R. SHUKLA, PH.D.  
SUPERVISORY PATENT EXAMINER

\_\_\_\_\_  
SPE 1644  
Art Unit



MARJAMA & BILINSKI LLP  
250 SOUTH CLINTON STREET  
SUITE 300  
SYRACUSE NY 13202

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**MAR 13 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Morse, et al. :  
Application No. 11/521,172 :  
Filed: September 14, 2006 :  
Attorney Docket No. 702\_181 :  
For: REMOTE IMAGING APPARATUS :  
HAVING AN ADAPTIVE LENS :

ON PETITION

This is a decision on the correspondence filed December 6, 2006, requesting, in effect, partial withdrawal of the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed October 6, 2006, insofar as it alleges Figures 36A-36E were omitted. The petition will be treated under 37 CFR 1.53(e).

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

The application was filed on September 14, 2006. However, on October 6, 2006, the Office of Initial Patent Examination mailed a Notice stating that the application had been accorded a filing date of September 14, 2006, and advising applicants that Figures 36A-36E described in the specification appeared to have been omitted.

In response, the present petition was timely filed.

The petition does not allege and is not accompanied by any evidence that any sheets of drawings containing the labels "FIG. 36A", "FIG. 36B", "FIG. 36C", "FIG. 36D", and "FIG. 36E" were present in the Office on September 14, 2006. While the Brief Description of the Drawings lists Figures 36A through 36E, the pertinent drawing figures in the application file are labeled "FIG. 36". It is apparent that petitioners referred to the drawings in an inconsistent manner in the Brief Description of the Drawings and in the drawing figures.

Therefore, the "Notice" mailed October 6, 2006, was correct in advising applicants that Figures 36A-36E appeared to have been omitted. The "Notice" was properly mailed and will not be withdrawn. The petition fee is required, since the petition was not necessary to correct any PTO error.

A preliminary amendment adding the label FIG. 36A – 36E to the mislabeled drawing figures should be filed prior to first action on the merits.

The application is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of September 14, 2006. Figures 36A –36E submitted with the instant petition will not be processed at this time.

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

  
Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



MUETING, RAASCH & GEBHARDT, P.A.  
P.O. BOX 581415  
MINNEAPOLIS MN 55458

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**MAY 28 2008**

**OFFICE OF PETITIONS**

Applicant: Vaartstra et al.

Appl. No.: 11/521,186

Filing Date: September 14, 2006

Title: SYSTEMS AND METHODS FOR FORMING STRONTIUM-AND/OR BARIUM-CONTAINING LAYERS

Attorney Docket No.: 150.01300120

Pub. No.: US 2007/0006798-A1

Pub. Date: January 11, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 28, 2007, for the above-identified application.

Applicant requests that the application be republished because typographical errors appear in claims 14, 36 and 40 of the patent application publication.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

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

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



25 OCT 2006

Norris, McLaughlin & Marcus P.A.  
18th Floor  
875 Third Avenue  
New York NY 10022

In re Application of: :  
KAUL, Bansi, Lal :  
U.S. Application No.: 11/521,194 : DECISION ON PETITION  
Receipt Date: September 13, 2006 : FOR REVIVAL UNDER  
Attorney's Docket No.: 104789-004 : 37 CFR 1.137(b)  
For: PROCESS FOR PREPARATION OF ORGANIC :  
MATERIALS :

This decision is issued in response to applicant's Petition for Revival under 37 CFR 1.137(b), filed September 13, 2006. Applicant has paid the small entity petition fee.

### BACKGROUND

On February 20, 2004, applicant filed international application PCT/IB2004/000530. The application did not claim an earlier priority date, and it designated the United States. The deadline for filing the basic national fee was thirty months from the priority date, i.e., August 20, 2006.

Applicant did not file the basic national fee prior to the expiration of the thirty month deadline. Accordingly, international application PCT/IB2004/000530 became abandoned with respect to the United States as of midnight on August 20, 2006.

On September 13, 2006, applicant filed the present application, accompanied by, among other materials, the petition for revival of international application PCT/IB2004/000530 considered herein. The transmittal letter filed by applicant on September 13, 2006 identifies the present application as a continuation-in-part of PCT/IB2004/000530.

### DISCUSSION

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (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;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). Applicant here has failed to satisfy item (1).

Pursuant to MPEP § 711.03(c), the filing of a continuation application under 35 U.S.C. 111(a) is considered an appropriate "required reply" under 37 CFR 1.137(b). However, the references to the international application contained in the specification and Application Data Sheet (ADS) filed herein are not in the form required by 37 CFR 1.78(a)(2)(i).<sup>1</sup> Accordingly, the present application is not a proper continuation of the international application, and the filing of this application cannot be treated as the "required reply" necessary to revive the international application.

### CONCLUSION

Applicants' petition for revival of international application under 37 CFR 1.137(b) 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 reconsideration request should be entitled "Renewed Petition Under 37 CFR 1.137(b)" and include the materials required to make the present application a proper continuation of PCT/IB2004/000530 (i.e., an amendment to the specification adding an acceptable reference to the international application and/or a revised ADS adding a proper continuity reference).

Extensions of time may be obtained under 37 CFR 1.136(a).

It is noted that, pursuant to 37 CFR 1.78(a)(2) and (3), the proper continuity reference must be added prior to the expiration of four months from the filing date of the present application, or else a petition for acceptance of an unintentionally delayed benefit claim is required.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, 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



Richard M. Ross  
Attorney Advisor  
Office of PCT Legal Administration  
Telephone: (571) 272-3296  
Facsimile: (571) 273-0459

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<sup>1</sup> Specifically, the reference in the specification does not identify the international application by international filing date and international application number, as required, and the reference in the ADS does not properly identify the relationship of the applications, as required.



15 MAR 2007

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875 Third Avenue  
New York NY 10022

In re Application of: :  
KAUL, Bansi, Lal :  
U.S. Application No.: 11/521,194 : DECISION  
Receipt Date: September 13, 2006 :  
Attorney's Docket No.: 104789-004 :  
For: PROCESS FOR PREPARATION OF ORGANIC :  
MATERIALS :

This decision is issued in response to applicant's "Renewed Petition for Revival under 37 CFR 1.137(b)" and "Petition to Accept a Delayed Claim for Priority" (treated herein under 37 CFR 1.78(a)(3)) filed 22 January 2007. Deposit Account no. 14-1263 will be charged the fee required for the petition under 37 CFR 1.78(a)(3); no additional petition fee is required for the renewed petition for revival under 37 CFR 1.137(b).

**BACKGROUND**

The procedural background for this application was set forth in the decision mailed herein on 25 October 2006. That decision dismissed applicant's petition for revival of international application PCT/IB2004/000530 for failure to satisfy all the requirements for a grantable petition. Specifically, the present application was held not to be a proper continuation of the international application, so that the filing of the present application could not be accepted as the "required reply" necessary for a grantable petition.

On 22 January 2007, applicant filed the "Renewed Petition for Revival under 37 CFR 1.137(b)" and "Petition to Accept a Delayed Claim for Priority" considered herein.

**DISCUSSION**

**1. Petition To Accept A Delayed Claim For Priority<sup>1</sup>**

The present non-provisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior filed non-provisional application is submitted

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<sup>1</sup> Applicant references 37 CFR 1.55(c) throughout this petition; however, 37 CFR 1.55(c) refers to unintentionally delayed claims for the benefit of a foreign application under 35 U.S.C. 119(a)-(d) or 365(a). The present case, wherein applicant is seeking to establish the present application as a continuation in part of an international application designating the United States, is properly treated under 37 CFR 1.78(a)(3). Accordingly, the present petition has been construed as a petition under 37 CFR 1.78(a)(3).

after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore this is a proper petition under 37 CFR 1.78(a)(3).

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

- (1) the reference to the prior-filed applications, as required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i), unless previously submitted;
- (2) the surcharge set forth in 37 CFR 1.17(t);
- (3) A statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

The present petition includes a proper reference to the prior-filed application in an amendment to the first sentence of the specification following the title (as provided by 37 CFR 1.78(a)(2)(iii)) and the required surcharge fee. Applicant's statement that "the entire delay between the date the claim for priority was due under paragraph (a)(1) of 37 CFR 1.55 and the date the claim was filed was unintentional" is construed as the statement required by 37 CFR 1.78(a)(3)(iii), that is, a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Applicant **must** notify this office immediately if this is not a proper interpretation of applicant's statement. Based on the above, applicant's petition for acceptance of the unintentionally delayed claim for the benefit of priority under 35 U.S.C. 120 and 365(c) to the prior filed application satisfies the conditions of 37 CFR 1.78(a)(3); the petition is therefore properly granted.

***The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior filed applications, all other requirements under 35 U.S.C. 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.***

The petition under 37 CFR 1.78(a)(3) is appropriately granted.

## **2. Renewed Petition Under 37 CFR 1.137(b)**

Based on the above, the present application is now appropriately treated as a continuation of international application PCT/IB2004/000530. As noted in the previous decision, pursuant to MPEP § 711.03(c), the filing of a continuation application under 35 U.S.C. 111(a) is considered an appropriate "required reply" under 37 CFR 1.137(b). Applicant has therefore now satisfied the final requirement of a grantable petition for revival of the international application.

**CONCLUSION**

Applicant's petition under 37 CFR 1.78(a)(3) for acceptance of the delayed claim of priority to international application PCT/IB2004/000530 is **GRANTED**.

Applicant's renewed petition for revival of the international application under 37 CFR 1.137(b) is **GRANTED**.

International application PCT/IB2004/000530 is being revived for purposes of continuity only, and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuing application number 11/521,194.

Any questions concerning this matter may be directed to Richard M. Ross at (571) 272-3296.

This application is being referred to the Office of Initial Patent Examination for further processing in accordance with this decision.



Boris Milef  
Legal Examiner  
Office Of PCT Legal Administration



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APR 20 2007

**OFFICE OF PETITIONS**

In re Application of :  
Mendez et al. :  
Application No. 11/521197 :  
Filing or 371(c) Date: 09/14/2006 : DECISION  
Attorney Docket Number: 13153/47802 : ON PETITION

This is a decision on the Petition to Correct the Filing Date and Correct Priority Claim pursuant to 37 C.F.R. § 1.10(d), filed January 4, 2007, requesting that the above-identified application be accorded a filing date of September 13, 2006, rather than the presently accorded filing date of September 14, 2006.

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 September 13, 2006. In support of this assertion, Applicant files copies of an Express Mail Label Number EV839759920US, bearing the "Date-in" of September 13, 2006, and Express Mail Label Number EV839759947US, the subject of the present petition, bearing the "Date-in" September 14, 2006. Applicant also files a copy of a receipt from the private car service and states that its employee, Mr. Che James, used the car service to travel to the post Office on the night of September 13, 2006, and a Declaration of Mr. James attesting to the arrival at the Post Office and deposit of Express Mail Label Number EV839759947US prior to midnight on September 13, 2006. Mr. James provides that he did not appreciate that any of the mail items were postmarked for September 14, 2006.

Applicant avers that the car-service receipt reveals a pick-up time of 23:20. Applicant further asserts that, as per Mr. James' affidavit, Applicant deposited Express mail Label

Number EV839759947US on the same date as that of Express Mail Label Number EV839759920US, bearing the "Date-in" of September 13, 2006. Applicant states that the evidence that came into being after deposit and within one business day is Express mail Label Number EV839759947US.

#### 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.<sup>1</sup>

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:

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<sup>1</sup> 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.

- (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
- (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
- (3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Emphasis 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 has not provided evidence from the USPS that the application was deposited on September 13, 2006. The Express Mail mailing label shows the “Date-In” as September 14, 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 Mr. Che James, executed on November 27, 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. In this instance, Applicant failed to appreciate that the mail items were postmarked for September 14, 2006, and thus failed to ensure receipt of a legible copy of the “Express Mail” mailing label with the “date-in” clearly marked.

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<sup>2</sup>.

The copy of the car service receipt is evidence that Applicant hired a car-service for pickup on September 13, 2006, and is at best evidence of Applicant's intent to mail the application prior to midnight on September 13, 2006.

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

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<sup>2</sup> 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.

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

A handwritten signature in cursive script that reads "Derek L. Woods".

Derek L. Woods  
Attorney  
Office of Petitions



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**JUL 30 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Mendez et al. :  
Application No. 11/521197 :  
Filing or 371(c) Date: 09/13/2006 : DECISION  
Attorney Docket Number: 13153/47802 : ON PETITION

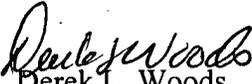
This is a decision on the Request for Reconsideration and Renewed Petition Under 37 C.F.R. § 1.10(d) to Correct Filing Date, filed June 20, 2007, requesting that the above-identified application be accorded a filing date of September 13, 2006, rather than the presently accorded filing date of September 14, 2006.

Petitioner alleges that the application was deposited in Express Mail service on September 13, 2006. Petitioner has filed the appropriate documentary and corroborating evidence demonstrating that September 13, 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 September 13, 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



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ONE BROADWAY  
NEW YORK, NY 10004

Mail Date: 04/21/2010

**Applicant** : Juana Araceli Mendez : DECISION ON REQUEST FOR  
**Patent Number** : 7642246 : RECALCULATION of PATENT  
**Issue Date** : 01/05/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/521,197 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/13/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **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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**SPANSION LLC C/O MURABITO , HAO & BARNES LLP  
TWO NORTH MARKET STREET  
THRID FLOOR  
SAN JOSE CA 95113**

In re Application of :  
Suzette K. Pangrle et al. :  
Application No. 11/521,204 : **ON PETITION**  
Filed: September 14, 2006 :  
Attorney Docket No. SPSN-AFO1938 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 25, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed, March 13, 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 June 14, 2009. A Notice of Abandonment was mailed on November 25, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Examination), with the required fee of \$810, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

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 Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Technology Center AU 2892 for appropriate action in the normal course of business for processing of the RCE received January 25, 2009.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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

Mail Date: 04/21/2010

<b>Applicant</b>	: Charles D. Becker	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7606592	: RECALCULATION of PATENT
<b>Issue Date</b>	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/521,211	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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



MARSHALL, GERSTEIN & BORUN LLP  
233 S. WACKER DRIVE, SUITE 6300  
SEARS TOWER  
CHICAGO, IL 60606

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**AUG 31 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Paul Dent :  
Application No. 11/521,213 :  
Filed: September 14, 2006 :  
Attorney Docket No. 13024/42139 :  
For: Therapeutic Compositions Comprising :  
Chorionic Gonadotropins And HMG COA :  
Reductase Inhibitors :

Decision Refusing to Accord  
Status Under 37 CFR 1.47(b)

This is in response to the petition under 37 CFR 1.47(b), filed March 9, 2007.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. No further petition fee is required for the request. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the current non-signing inventor(s).

The requirements of 37 CFR 1.47(b) have not been satisfied.

A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor cannot be found or reached after diligent effort or that the inventor refused to sign the declaration after having been presented with the application papers (specification, claims, and drawings),
- (2) an acceptable oath or declaration;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor;
- (5) proof of proprietary interest; and
- (6) proof of irreparable damage.

Applicant lacks item (2). Specifically, petitioner has failed to file an oath or declaration.

The application is abandoned.

35 USC 111(a)(4) sets forth that, as here, when an applicant receives notice to file an oath or declaration, but does not supply the missing oath or declaration, the application becomes abandoned by operation of the law. The mere filing of a petition under 37 CFR 1.47 does not change this result. A petition under 37 CFR 1.47 *requires an oath or declaration as a component of the petition*. See 37 CFR 1.47. Accordingly, the mere filing of the petition under 37 CFR 1.47, in reply to the Notice, was not a proper reply to the Notice. Rather, in the instance where all of the named inventors will not sign a declaration, a proper reply to the Notice consists of **both** a petition under 37 CFR 1.47, and an oath or declaration.

Under no circumstances do the patent statutes and regulations permit the applicant to file, or the USPTO to accept, a non-provisional application that ultimately lacks an oath or declaration. Rather, 37 CFR 1.47 simply provides a mechanism whereby a party may obtain USPTO acceptance of an application having a proffered oath or declaration that lacks the signature of every named inventor; it does not trump the requirement of the patent statute and the Notice, for the submission of an oath or declaration in the first place.

For the reasons above, the application became abandoned as of midnight on March 5, 2007.

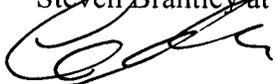
Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply (an oath or declaration), the required petition fee (\$750 for a small entity), and a statement 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. A PDF fillable copy of a form for a petition under 37 CFR 1.137(b) can be found at: <http://www.uspto.gov/web/forms/index.html>.

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

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

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

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



MARSHALL, GERSTEIN & BORUN LLP  
233 S. WACKER DRIVE, SUITE 6300  
SEARS TOWER  
CHICAGO, IL 60606

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**JAN 04 2008**

**OFFICE OF PETITIONS**

In re Application of	:	
Paul Dent	:	
Application No. 11/521,213	:	Decision According Status
Filed: September 14, 2006	:	Under 37 CFR 1.47(b) and
Attorney Docket No. 13024/42139	:	Reviving Application
For: Therapeutic Compositions Comprising	:	
Chorionic Gonadotropins And HMG COA	:	
Reductase Inhibitors	:	

This is in response to the petition under 37 CFR 1.47(b) and the petition under 37 CFR 1.137(b) filed October 1, 2007.

The petition under 37 CFR 1.47(b) is **granted**.

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

The petition under 37 CFR 1.47(b):

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

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

The petition under 37 CFR 1.137(b):

The above-identified application became abandoned for failure to file a declaration in reply to the Notice to File Missing Parts of Application (Notice) mailed October 4, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. Petitioner obtained a three-month extension of time under the provisions of 37 CFR 1.136(a). Accordingly, the above-identified application became abandoned as of midnight on Monday, March 5, 2007.

The instant petition requests revival of the application.

Petitioner has submitted the required petition fee of \$770. Petitioner has submitted a reply to the Notice to File Missing Parts in the form of a declaration. Petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The Office of Initial Patent Examination will be informed of the instant decision so that it may continue to prepare the application for examination.

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



Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions



RYLANDER & ASSOCIATES PC  
406 WEST 12TH STREET  
VANCOUVER WA 98660

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**OFFICE OF PETITIONS**

In re Application of :  
John P. Hynds et al. :  
Application No. 11/521,221 : ON PETITION  
Filed: September 13, 2006 :  
Attorney's Docket No. HYNJ02-DIV :

This is a decision on the petition filed June 25, 2007 under 37 CFR 1.137(b)<sup>1</sup>, to revive the above-identified application.

The petition is **GRANTED**.

The instant application became abandoned on December 5, 2006, for failure to timely reply to the Notice to File Missing Parts, mailed October 2, 2006, which set a two (2) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed June 6, 2007.

The submission of the oath or declaration and late filing fee, as required by the Notice to File Missing Parts mailed October 2, 2006 is acknowledged.

All other requirements having been met, this application is being forwarded to the Office of Initial Patent Examination for further pre-examination processing.

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

Patricia Faison Ball  
Senior Petitions Attorney  
Office of Petitions

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

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

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

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



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P.O. BOX 2515  
MAIL CODE 110-SD54  
SEAL BEACH, CA 90740-1515

Mail Date: 04/20/2010

**Applicant** : Mario D. Cordova : DECISION ON REQUEST FOR  
**Patent Number** : 7636618 : RECALCULATION of PATENT  
**Issue Date** : 12/22/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/521,227 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/14/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **589** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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





LADAS & PARRY LLP  
224 SOUTH MICHIGAN AVENUE  
SUITE 1600  
CHICAGO IL 60604

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**OFFICE OF PETITIONS**

**ON PETITION**

In re Application of :  
Li Liu :  
Application No. 11/521,254 :  
Filed: September 14, 2006 :  
Attorney Docket No. CU-5069 RJS :

This is a decision on petition to withdraw the holding of abandonment under 37 CFR 1.181 filed August 6, 2007.

The petition to withdraw the holding of abandonment is **Dismissed**.

Any request for reconsideration should be filed within **TWO MONTHS** of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

This application was held abandoned December 6, 2006 for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application hereinafter "Notice" mailed on October 5, 2006. The Notice set a two (2) month extendable time period for reply. A Notice of Abandonment was mailed June 7, 2007.

Petitioner asserts that a reply to the Notice was submitted on December 4, 2006. As evidence, petitioner has submitted a copy of the reply which contains a declaration pursuant to 37 CFR 1.63, title page of Chinese priority document and authorization to charge the surcharge fee. The response also includes a certificate of mailing dated December 4, 2006 pursuant to 37 CFR 1.8. Petitioner has also provided a copy of a postcard receipt with an Office stamp of December 8, 2006.

Pursuant to 37 CFR 1.8, correspondence will be considered timely if the party who forwarded such correspondence:



Application No. 11/521,254

Page 3

By delivery service:  
(FedEx, UPS, DHL, etc.)

U.S. Patent and Trademark Office  
Customer Service Window,  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

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



Charlema R. Grant  
Petitions Attorney  
Office of Petitions



LADAS & PARRY LLP  
224 SOUTH MICHIGAN AVENUE  
SUITE 1600  
CHICAGO IL 60604

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**DEC 31 2007**

**OFFICE OF PETITIONS**

In re Application of  
Li Liu  
Application No. 11/521,254  
Filed: September 14, 2006  
Attorney Docket No. CU-5069 RJS

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**ON PETITION**

This is a decision on renewed petition to withdraw the holding of abandonment under 37 CFR 1.181 filed November 2, 2007.

The petition is **GRANTED**.

This application was held abandoned December 6, 2006 for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application hereinafter "Notice" mailed on October 5, 2006. The Notice set a two (2) month extendable time period for reply. A Notice of Abandonment was mailed June 7, 2007.

Petitioner asserts that a reply to the Notice was submitted on December 4, 2006. As evidence, petitioner has submitted a copy of the reply which contains a declaration pursuant to 37 CFR 1.63, title page of Chinese priority document and authorization to charge the surcharge fee. The response also includes a certificate of mailing dated December 4, 2006 pursuant to 37 CFR 1.8. Petitioner has also provided a copy of a postcard receipt with an Office stamp of December 8, 2006.

Pursuant to 37 CFR 1.8, correspondence will be considered timely if the party who forwarded such correspondence:

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

- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement. The Office may require additional evidence to determine if the correspondence was timely filed.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Notice of Missing Parts 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 December 4, 2006 .

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received with petition.

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



Charlema R. Grant  
Petitions Attorney  
Office of Petitions



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IPVENTURE, INC.  
5150 EL CAMINO REAL  
SUITE A-22  
LOS ALTOS CA 94022

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JUN 25 2008

**OFFICE OF PETITIONS**

In re Application of :  
Thomas A. Howell :  
Application No. 11/521,256 : DECISION GRANTING PETITION  
Filed: September 13, 2006 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. IPVCP002C1 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 24, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

*Petitioner is advised that the issue fee paid on January 7, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

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

This application is being referred to Technology Center AU 2873 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

April M. Wise  
Petitions Examiner  
Office of Petitions

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



RATNERPRESTIA  
P O BOX 980  
VALLEY FORGE PA 19482-0980

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**DEC 29 2006**

In re Application of  
Lines, Lopez, Lippert, Murdock, Lenz, Stoogenke, Severski,  
and Kalayeh  
Application No.: 11/521,265  
Filed: September 14, 2006  
Attorney Docket No: ITDE-PSSD109US  
Invention: **SYSTEM AND METHOD FOR MULTI-TARGET  
FLUID CONCENTRATION DETECTION AND MAPPING**

:  
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:  
: **OFFICE OF PETITIONS**  
:  
: **DECISION ACCORDING**  
: **RULE 47(a) STATUS**

This is in response to the petition under 37 CFR 1.47(a), filed November 3, 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 September 14, 2006, without a properly executed declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on October 4, 2006, allowing a shortened period for reply of two months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). The notice required a proper oath or declaration to be filed and payment of a surcharge.

Petitioner has shown that inventor Kalayeh has refused to join the prosecution of the application, or cannot be located to join the prosecution of the application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

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

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**

DATE : 11/4/09

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

TO SPE OF : ART UNIT. 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/521282 Patent No.: 7569687B2

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: \_\_\_\_\_

The Certificate of Correction attempts to enter new matter.

JAMES O. WILSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600

1624

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE

11/4/09

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

TO SPE OF

ART UNIT: 1624

SUBJECT

Request for Certificate of Correction for Appl. No.: 11/521282 Patent No.: 7569687B2

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: In the original specification (13 Sept 2006), compound VI-c  
is 17B-ol. In the structure submitted by applicants, compound VI-c  
is 17-one. A keto group is distinct from an alcohol group in organic chemistry.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/4/09

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

TO SPE OF : ART UNIT: 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/521282 Patent No.: 7569687B2

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.

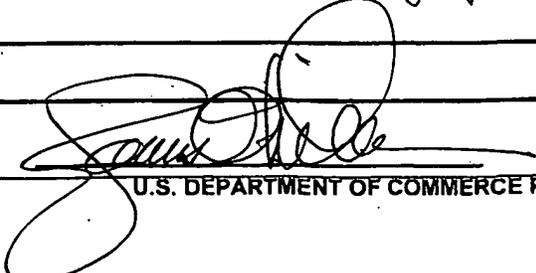
Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: In the original specification (13 Sept 2006), compound VI-c is 17B-01. In the structure submitted by applicants, compound VI-c is 17-one. A keto group is distinct from an alcohol group in organic chemistry.

 1624



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

December 4, 2009

Andrew H. Berks  
Kenyon & Kenyon LLP  
One Broadway  
New York, New York 10004

Patent No: 7,569,687 B2  
Application No.: 11/521,282  
Applicant: Juana Araceli Mendez, et al.  
Issued: August 4, 2009  
Title: **PROCESSES FOR THE SYNTHESIS OF ROCURONIUM BROMIDE**

Request for Certificate 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 Rules 1.322/1.323.

Per the examiner "The certificate of correction attempts to enter new matter".

In view of the foregoing, your request in this matter is hereby **denied**.

Future correspondence concerning this matter should be directed to Decisions & Certificates of Correction Branch.

*/Virginia Tolbert/*  
Virginia Tolbert  
For Mary Diggs, Supervisor  
Decisions and Certificate of Correction  
(571) 272-0460 (voice)  
(571) 270-9892 (fax)

vt



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KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK, NY 10004

Mail Date: 04/21/2010

**Applicant** : Juana Araceli Mendez : DECISION ON REQUEST FOR  
**Patent Number** : 7569687 : RECALCULATION of PATENT  
**Issue Date** : 08/04/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/521,282 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/13/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

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

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



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

*March 20, 2010*

Patent No. :7669913  
Inventor(s) :Eliseo DaSilva  
Issued :March 2, 2010  
Title :PROTECTIVE COVER FOR A MOTOR VEHICLE

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.322 and 1.323.

An error on a patent can be corrected by a certificate of correction, if appropriate. Accordingly, a petition under C.F.R. 1.182 is required to correct the alleged error concerning the inventor's names and addresses. Since this information is printed solely in accordance with the typewritten information provided on the Declaration, Oath or ADS, and since the error was the result of applicant's failure to comply with the requirement that the complete and correct information be provided accordingly, no correction is in order here under the provisions of Rules 1.322 or 1.323, unless a petition is granted.

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

By Mail: Commissioner of Patents and Trademarks  
Petitions Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

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

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

Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 756-1541.

  
Mary Diggs, Supervisor  
Decisions & Certificates  
of Correction Branch  
(703) 756-1580 or (703) 756-1541

Michaud-Duffy Group LLP  
Centerpoint  
30 Industrial Park Road  
Suite 206  
Middletown, Ct 06457-1532

/arg



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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP  
300 S. WACKER DRIVE  
32ND FLOOR  
CHICAGO, IL 60606

Mail Date: 04/21/2010

**Applicant** : Steven Thijs : DECISION ON REQUEST FOR  
**Patent Number** : 7649722 : RECALCULATION of PATENT  
**Issue Date** : 01/19/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/521,293 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/14/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **181** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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CROWELL & MORING LLP  
INTELLECTUAL PROPERTY GROUP  
P.O. BOX 14300  
WASHINGTON, DC 20044-4300

Mail Date: 04/28/2010

**Applicant** : Ralf Bauder : DECISION ON REQUEST FOR  
**Patent Number** : 7635429 : RECALCULATION of PATENT  
**Issue Date** : 12/22/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/521,298 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/15/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **70** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

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

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

**Antonio Johnson**

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

EDWARDS LIFESCIENCES CORPORATION  
LEGAL DEPARTMENT  
ONE EDWARDS WAY  
IRVINE CA 92614



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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11/521,402                      09/15/2006                      C. Alan Peet                      87361.4320                      1725

7590                      09/18/2009  
Baker & Hostetler LLP  
Washington Square  
Suite 1100  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036

EXAMINER

KURTZ, BENJAMIN M

ART UNIT                      PAPER NUMBER

1797

MAIL DATE                      DELIVERY MODE

09/18/2009

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.



Mailed: SEP 18 2009

bc

In re application of :  
Bergmann et al. : DECISION ON  
Serial No. 11/521,402 : PETITION  
Filed: September 15, 2006 :  
For: FILTER MEDIA SUPPORTING APPARATUS AND METHOD IN AN ENGINE OR  
TRANSMISSION FILTER

This is a decision on the PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE FINALITY OF THE OFFICE ACTION mailed May 18, 2009.

A Request for Continued Examination (RCE) was filed in the instant application on May 4, 2009. The RCE submission requested consideration of a previously submitted amendment and Declaration under Rule 1.132. The examiner prepared a first action final which was mailed on May 18, 2009. A request for withdrawal of finality of the May 18, 2009 Office action was submitted on August 3, 2009. The examiner notified the Applicant on the same day that this request was being denied.

**DECISION**

The standard for making an Office action final is set forth in section 706.07(b) of the MPEP which states:

**706.07(b) Final Rejection, When Proper on First Action**

The claims of a new application may be finally rejected in the first Office action in those situations where (A) the new application is a continuing application of, or a substitute for, an earlier application, and (B) all claims of the new application (1) are drawn to the same invention claimed in the earlier application, and (2) would have been properly finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application.

In this case, the first criteria is met by the filing of a continuing application on May 4, 2009. Turning to the second criteria, it is noted the only amendment entered at the time of the RCE filing was to claim 52 to correct a minor typographical error, i.e. the scope of the claims were not changed in any way. Accordingly, the first part of the second criteria is met. Contrary to the petitioner's argument, the final Office action did not contain a new grounds of rejection, as all of the claims remained rejected under the same grounds. Specifically, the final Office action of May 18, 2009 maintained the claim rejections set forth in the previous Office action of November 25, 2008. Thus, the second part of the second criteria is also met.

The argument that MPEP 706.06(b) prohibits a first action final Office action when the RCE contains material which was presented in the earlier application after final rejection but was

denied entry because new issues were raised that required further consideration is not persuasive, because the Rule 1.132 Declaration, while filed after the final Office action in the earlier application, was not denied entry.

The final Office action of May 18, 2009 is deemed to be proper. Accordingly, the Petition is **DENIED**.



---

Gregory L. Mills, Acting Director  
Technology Center 1700  
Chemical and Materials Engineering

Baker & Hostetler LLP  
Washington Square  
Suite 1100  
1050 Connecticut Avenue, N.W.  
Washington DC 20036



EDELL, SHAPIRO & FINNAN, LLC  
1901 RESEARCH BOULEVARD  
SUITE 400  
ROCKVILLE, MD 20850

**COPY MAILED**

**MAR 15 2007**

**OFFICE OF PETITIONS**

In re Application of Yoon :  
Application No. 11/521,413 : Decision on Petition  
Filing Date: September 15, 2006 :  
Attorney Docket No. 0918.0311C :

This is a decision in response to the petition filed November 30, 2006, requesting the application be accorded a filing date of September 15, 2006.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.53."

The application was filed September 15, 2006.

The Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" on October 5, 2006. The Notice stated drawings did not appear to be part of the application as filed and that a filing date would be accorded upon the submission of drawings.

In response, the present petition was filed. Petitioner alleges drawings were filed with the original application. Petitioner has submitted a postcard receipt acknowledging receipt of 23 sheets of drawings on September 15, 2006.<sup>1</sup> Therefore, the Office is persuaded drawings were part of the originally filed application but were later misplaced by the Office.

The Notice mailed October 5, 2006, was sent in error and is hereby vacated.

No petition fee is required and none has been charged.

<sup>1</sup> 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.

Unfortunately, the petition cannot be granted at this time. The petition is not accompanied by a copy of the 23 sheets of drawings filed September 15, 2006. The application cannot be processed or examined without the drawings. A copy of the drawings filed September 15, 2006, must be submitted.

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

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

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

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



Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions



EDELL, SHAPIRO & FINNAN, LLC  
1901 RESEARCH BOULEVARD  
SUITE 400  
ROCKVILLE, MD 20850

**COPY MAILED**  
**AUG 09 2007**  
**OFFICE OF PETITIONS**

In re Application of Yoon :  
Application No. 11/521,413 : Decision on Petition  
Filing Date: September 15, 2006 :  
Attorney Docket No. 0918.0311C :

This is a decision in response to the petition filed April 5, 2007, requesting the application be accorded a filing date of September 15, 2006.

The petition is **granted**.

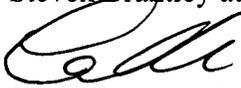
The application was filed September 15, 2006.

The Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" on October 5, 2006. The Notice stated drawings did not appear to be part of the application as filed and that a filing date would be accorded upon the submission of drawings.

In response, the present petition was filed. Petitioner alleges drawings were filed with the original application. Petitioner has submitted a postcard receipt acknowledging receipt of 23 sheets of drawings on September 15, 2006.<sup>1</sup> Therefore, the Office is persuaded drawings were part of the originally filed application but were later misplaced by the Office.

The Office of Initial Patent Examination will be informed of the instant decision and will process the application with a filing date of September 15, 2006, using the papers filed September 15, 2006, and the 23 sheets of drawings filed April 5, 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

<sup>1</sup> "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.



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ALFRED G. ROCKEFELLER  
30 COBBLESTONE LANE  
RAMSEY, NEW JERSEY 07446-2457

**COPY MAILED**

SEP 04 2008

Applicant: Rockefeller, et al.  
Appl. No.: 11/521,416  
Filing Date: September 15, 2006  
Title: EXCHANGE OF VOICE AND VIDEO BETWEEN TWO CELLULAR WIRELESS  
TELEPHONES  
Attorney Docket: NONE  
Pub. No.: US 2007-0182811 A1  
Pub. Date: August 9, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 8, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in the specification and in claim 4, wherein "flame" should be printed as "frame".

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.<sup>1</sup>

The error in misprinting "frame" as "flame" in three instances may be an Office error, but it is a not material Office error under 37 CFR 1.221. The error is not a material Office error because the typographical error does not affect the understanding of the publication. The application is clearly understandable to one of ordinary skill in the art reading the application and claims. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or

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

determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. A member of the public can understand the claim from the specification and remaining claims.

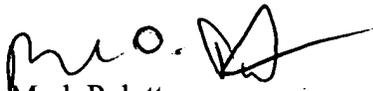
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the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

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

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

By facsimile: 571-273-8300

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



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



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MAIL

JUN 10 2010

DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2

Alfred G. Rockefeller  
30 Cobblestone Lane  
Ramsey NJ 07446-2457

In re Application of:	:	
ROCKEFELLER, ALFRED G., et al.	:	NOTICE
Application Serial No.: 11/521,416	:	REQUIRING
Filed: September 15, 2006	:	RATIFICATION OF
For: <b>EXCHANGE OF VOICE AND VIDEO</b>	:	CORRESPONDENCE
<b>BETWEEN TWO CELLULAR OR WIRELESS</b>	:	
<b>TELEPHONES</b>	:	

In reviewing the file record of the application in light of the petition filed April 27, 2010 requesting replacement of the examiner, it has come to the attention of the Office that several papers filed by the applicant have not been ratified (signed) by all the inventors.

Since this application is being prosecuted without the aid of an appointed registered practitioner (*Pro se*), and it is not assigned, amendments and other papers must be signed by all applicants. See 37 CFR § 1.33(b) which states in part:

- “...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 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.” (Emphasis added.)

Since there is no practitioner of record and the case is not assigned, items (1) through (3) above are not applicable. Therefor, as stated in item (4) above, all named inventors (applicants) must sign all papers. See also, MPEP § 403.

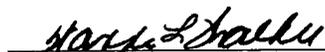
Accordingly, in response to this notice, applicants’ must submit a letter ratifying all previous correspondence with the Office as being filed and approved by all applicants. The letter may use language such as:

“All correspondence submitted in application serial number 11/521,416 (the instant application) up to and including this ratification is approved by both named inventors as signed below...”, or the like.

Both Mr. Rockefeller and Mr. Erdin must sign the ratification letter.

The decision on the petition filed April 27, 2010 will be held in abeyance until a ratification letter is filed. All future correspondence must be signed by all applicants or otherwise in accordance with 37 CFR § 1.33(b).

Applicant must submit the ratification letter within TWO MONTHS from the mailing date of this notice. Extension of time under 37 CFR 1.136(a) is not permitted.

  
\_\_\_\_\_  
Wanda Walker, Director  
Technology Center 2600  
Communications



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DW Oct-09

Paper No.

ARENT FOX LLP  
1050 CONNECTICUT AVENUE, N.W.  
SUITE 400  
WASHINGTON DC 20036

**COPY MAILED**

**NOV 02 2009**

**OFFICE OF PETITIONS**

In re Patent No. 7507654 :  
Issued: 03/24/2009 :  
Application No. 11/521482 : LETTER  
Filed: 09/15/2006 :  
Attorney Docket Number: 027605- :  
00007 :

This is a letter in response to the "REQUEST FOR CORRECTED NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT" filed on April 2, 2009.

Attached is a copy of the PALM printout from application No. 11/041,292 (now U.S. Patent 7,355,285) of which this application is a division, showing the assignors' names as currently listed. It appears that the fourth assignor's name has been corrected as requested.

Patentee should contact the Assignments Branch at 571-272-3150 if additional information is requested.

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: Patent Assignment Abstract of Title

# Patent Assignment Abstract of Title

## Total Assignments: 1

Application #: 11041292

Filing Dt: 01/25/2005

Patent #: 7355285

Issue Dt: 04/08/2008

PCT #: NONE

Publication #: US20060094157

Pub Dt: 05/04/2006

Inventors: Kenji Kobae, Hidehiko Kira, Norio Kainuma, Takayoshi Matsumura

Title: STRUCTURE OF MOUNTING ELECTRONIC COMPONENT

## Assignment: 1

Reel/Frame: 016224 / 0424

Received: 02/07/2005

Recorded: 01/25/2005

Mailed: 07/07/2005

Pages: 2

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: KOBAE, KENJI

Exec Dt: 12/25/2004

KIRA, HIDEHIKO

Exec Dt: 12/25/2004

KAINUMA, NORIO

Exec Dt: 12/28/2004

TAKAYOSHI MATSUMURA

Exec Dt: 12/28/2004

Assignee: FUJITSU LIMITED

1-1, KAMIKODANAKA 4-CHOME, NAKAHARA-KU

KAWASAKI-SHI, KANAGAWA 211-8588, JAPAN

Correspondent: ARENT FOX PLLC

1050 CONNECTICUT AVENUE, NW

SUITE 400

WASHINGTON, DC 20036-5339

Search Results as of: 10/28/2009 02:59 PM



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

Mail Date: 05/03/2010

<b>Applicant</b>	: Tsutomu Kobayashi	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7636906	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/521,490	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **343** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



BANNER & WITCOFF, LTD.  
ATTORNEYS FOR CLIENT NO. 016689  
1100 13<sup>TH</sup> STREET, N.W., SUITE 1200  
WASHINGTON, DC 20005-4051

MAILED

MAY 25 2010

OFFICE OF PETITIONS

In re Application of :  
Akihiro Sakakibara et al :  
Application No. 11/521,501 :  
Filed: September 15, 2006 :  
Attorney Docket No. 006884.00012 :

ON PETITION

This is a decision on the petition, filed May 24, 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 10, 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.**

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

This matter is being referred to Technology Center AU 3653 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

---

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



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ROBERT A. KENT  
P.O. BOX 1431  
DUNCAN OK 73536

**MAILED**

JUL 20 2010  
OFFICE OF PETITIONS

In re Application of :  
Diptabhas SARKAR, et al :  
Application No. 11/521,529 : ON PETITION  
Filed: September 14, 2006 :  
Attorney Docket No. 2005-IP-018796US2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 7, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 5, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is September 6, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$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) 272-6735.

This application is being referred to Technology Center 1797 for further processing in the normal course of business.

/Diane C. Goodwyn/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions



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ROBERT A. KENT  
P.O. BOX 1431  
DUNCAN, OK 73536

Mail Date: 04/20/2010

**Applicant** : Diptabhas Sarkar : DECISION ON REQUEST FOR  
**Patent Number** : 7624743 : RECALCULATION of PATENT  
**Issue Date** : 12/01/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/521,530 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/14/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **495** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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.
11/521,539	11/01/2006	Rodney Besson		1533

7590 09/12/2008  
RODNEY BESSON  
APT # 210  
1101 ELM STREET  
MANCHESTER, NH 03101

EXAMINER

KAYES, SEAN PHILLIP

ART UNIT	PAPER NUMBER
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2833

MAIL DATE	DELIVERY MODE
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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.

*Niomi Farmer*  
Patent Publication Branch  
Office of Data Management

Refund Ref:  
09/15/2008 NFARMER 0000164356

Adjustment date: 09/15/2008 NFARMER  
09/18/2006 SSITHIB1 00000049 11521539  
02 FC:2111 -250.00 OP

CHECK Refund Total: \$250.00



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**Hamilton, Brook, Smith & Reynolds, P.C.**  
**530 Virginia Road**  
**P.O. Box 9133**  
**Concord, MA 01742-9133**

**MAILED**

**APR 10 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Jonathan Monsarrat :  
Application No. 11/521,585 : **DECISION ON PETITION**  
Filed: September 14, 2006 : **TO WITHDRAW**  
Attorney Docket No. SVIPGP100 : **FROM RECORD**

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 27, 2009.

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

A review of the file record indicates that the power of attorney to Hamilton, Brook, Smith & Reynolds, P.C. has been revoked by the assignee of the patent application on January 30, 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.

*T. Williams*  
Terri Williams  
Petitions Examiner  
Office of Petitions

cc: **Chris Edgeworth**  
**Stragent**  
**211 W. Tyler Street**  
**Longview, TX 75601**



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**JUL 31 2009**

**OFFICE OF PETITIONS**

**Brinks, Hofer Gilson & Lione**  
**P.O. Box 10395**  
**Chicago, IL 60610**

In re Application of :  
Volker Kuz et al. :  
Application No. 11/521,586 : **CORRECTED DECISION ON**  
Filed: September 14, 2006 : **PETITION TO WITHDRAW**  
Attorney Docket No. 11336/1307 (P02108USP) : **FROM RECORD**

This is a corrected decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 15, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that attorneys/agents with the firm of Brinks, Hofer, Gilson & Lione: (1) do not have power of attorney in this patent application; and (2) has been employed or otherwise 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 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 named signing inventor and the first copied address below. A courtesy copy of this decision will be mailed to the address noted on the request. If this person(s) desire to receive future correspondence regarding this application, the proper power of attorney documents must be submitted.

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

  
Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Kuz Volker  
Wilhelm-Bode-Strabe 42  
Braunschweig, Germany 38106

cc: Robert P. Hart  
Harman International Industries, Incorporated  
8500 Balboa Boulevard  
Northridge, CA 91329



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KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK NY 10004

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APR 27 2007

**OFFICE OF PETITIONS**

In re Application of	:	
Pesachovich, et al.	:	
Application No. 11/521,594	:	ON PETITION
Filed: September 14, 2006	:	
Attorney Docket No. 01662/62103	:	
For: METHODS OF STABILIZING AZITHROMYCIN	:	

This is a decision on the petition, filed January 16, 2007, requesting that the above-identified application be accorded a filing date of September 13, 2006, rather than the presently accorded filing date of September 14, 2006. The petition will be treated under 37 CFR 1.10(d).

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

Petitioners contend that the above-identified application was deposited in the United States Postal Service (USPS) Express Mail service on September 13, 2006, and accordingly request a September 13, 2006 filing date for the application.

Paragraph (a) of 37 CFR 1.10 states that:

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

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

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the

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 pickup for that day." In addition, the showing "must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the 'Express Mail Post Office to Addressee' service of the USPS."

The petition does not include the corroborating evidence required by the rule. The declaration by Che James submitted with the petition was made more than two months after the alleged deposit, not within one business day of the alleged deposit. The receipt for the private car service indicates Mr. James left Kenyon and Kenyon at 11:20 pm. The receipt was created prior to, **not after**, the alleged deposit of the Express Mail package in question. The fact that Express Mail package number EV839759920US was received by the USPS on September 13, 2006 at 11:58 pm, does not establish that Express Mail package number EV839764920US was received on September 13, 2006. In short, petitioner has not carried his burden.

Petitioners are encouraged to submit a business record that came into being **after deposit and within one business day of the deposit** of the correspondence in Express Mail that supports petitioners' contention that petitioners are entitled to a September 13, 2006 filing date. Of course, any USPS evidence that a package bearing Express Mail label receipt no. EV839764920US was received by the USPS on September 13, 2006 would be acceptable corroborating evidence.

The petition to accord a September 13, 2006 filing date to the above-identified application is dismissed.

The application is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of September 14, 2006.

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

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

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

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

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

  
Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK NY 10004

**COPY MAILED**  
JAN 15 2008  
**OFFICE OF PETITIONS**

In re Application of :  
Pesachovich, et al. :  
Application No. 11/521,594 : ON PETITION  
Filed: September 14, 2006 :  
Attorney Docket No. 01662/62103 :  
For: METHODS OF STABILIZING :  
AZITHROMYCIN :

This is a decision on the reconsideration petition under 37 CFR 1.10(d), filed November 27, 2007, requesting that the above-identified application be accorded a filing date of September 13, 2006, rather than the presently accorded filing date of September 14, 2006.

Petitioners request the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on September 13, 2006 at 11:58 pm pursuant to 37 CFR 1.10. The copy of Express Mail label receipt No. EV839764920US bears a handwritten "date-in" of "9/14/06" and a USPS receipt date stamp of September 14, 2006. Petitioners allege that the date of mailing shown in the "date-in" and the receipt date stamp is a U. S. Postal Service (USPS) error and the correct date of mailing pursuant to 37 CFR 1.10 is September 13, 2006. The same Express Mail label number also appears on the original application transmittal letter of record in the file.

Petitioners have provided a statement from a USPS official that USPS databases confirm that the package in question was handed over to a USPS retail associate on duty on September 13, 2006 at 11:58 pm.

The evidence presented is convincing that the Express Mail package was entrusted to the USPS on September 13, 2006. Accordingly, this application is entitled to a filing date of September 13, 2006, and has been so accorded.

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

This application file is being referred to the Office Patent Application Processing (OPAP) for **correction of the filing date to September 13, 2006 and for issuance of a corrected filing receipt.**

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3230. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4100.



Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



15 FEB 2007

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KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK NY 10004-1050

In re Application of:	:	
KORODI, Ferenc	:	DECISION ON PETITION
Application No.: 11/521,595	:	(37 CFR 1.10(d))
Filing Date: September 14, 2006	:	
Attorney's Docket No.: 02664/59504	:	
For: PROCESS FOR PREPARING	:	
SIMVASTATIN AND	:	
INTERMEDIATES THEREOF	:	

This decision is issued in response to the "Petition To Change The Filing Date And Correct Priority Claim" filed January 05, 2007, treated herein as a petition to correct the filing date under 37 CFR 1.10(d).

Applicant submitted \$400 as the petition fee; however, no petition fee is required for a petition under 37 CFR 1.10(d). Accordingly, the \$400 petition fee will be refunded to Deposit Account No. 11-0600.

**BACKGROUND**

In September 2006, applicant initiated this U.S. application by filing a transmittal letter and accompanying materials via "Express Mail." The earliest application from which benefit was claimed was filed September 13, 2005. The transmittal letter filed by applicant identified the "Express Mail" label number for the filing as EV321877202US.

On October 04, 2006, a filing receipt was issued that identified the filing date for the present application as September 14, 2006. The filing receipt did not include the benefit claim to the earlier application filed September 13, 2005, as this application was filed more than twelve months prior to the filing date accorded to the present application.

On January 05, 2007, applicant filed the petition considered herein. The petition asserts that the "Express Mail" envelope containing the present application materials was deposited with the USPS as "Express Mail" before midnight on 13 September 2006, and that the proper filing date for this application is therefore 13 September 2006.

### DISCUSSION

37 CFR 1.10(d) 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 the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

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

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

(3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in 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 present petition satisfies items (1) and (2) above. With regard to item (3), the petition includes an affidavit signed by Che James, the person who actually mailed the correspondence in question, stating that the correspondence was deposited with the USPS as "Express Mail" on 13 September 2006. However, the petition does not include sufficient corroborating evidence, either from the USPS or in the form of a mail log entry that "came into being after deposit and within one business day of the deposit of the correspondence" as "Express Mail." Accordingly, item (3) is not satisfied on the present record.

Based on the above, applicant has not satisfied all the requirements for a grantable petition under 37 CFR 1.10(d). The appropriate filing date therefore remains 14 September 2006, the "date in" entered by the USPS on the "Express Mail" envelope used to file the present application.

### CONCLUSION

For the reasons above, the petition under 37 CFR 1.10(d) is **DISMISSED** without prejudice.

The filing date remains 14 September 2006. Accordingly, the benefit claim to the U.S. provisional application filed 13 September 2005 remains defective.

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. Such a petition should include a

cover letter entitled "Renewed Petition Under 37 CFR 1.10(d)." No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, 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



Richard M. Ross  
Attorney Advisor  
Office of PCT Legal Administration  
Telephone: (571) 272-3296  
Facsimile: (571) 273-0459

Adjustment Date: 02/15/2007 SBASHEIR  
01/09/2007 CNEG1 00000004 110600 11521595  
01 FC:1462 400.00 CR



18 JUL 2007

Kenyon & Kenyon LLP  
One Broadway  
New York, New York 10004

In re Application of: :  
KORODI, Ferenc :  
Application No.: 11/521,595 :  
Filing Date: September 14, 2006 :  
Attorney's Docket No.: 02664/59504 : DECISION  
For: PROCESS FOR PREPARING :  
SIMVASTATIN AND INTERMEDIATES :  
THEREOF :

This decision is issued in response to applicant's "Request for Reconsideration and Renewed Petition under 37 CFR 1.10(d) To Correct Filing Date" filed April 6, 2007.

### BACKGROUND

In September 2006, applicant initiated this U.S. application by filing a transmittal letter and accompanying materials via "Express Mail." The earliest application from which benefit was claimed was filed September 13, 2005. The transmittal letter filed by applicant identified the "Express Mail" label number for the filing as EV321877202US.

On October 04, 2006, a filing receipt was issued that identified the filing date for the present application as September 14, 2006. The filing receipt did not include the benefit claim to the earlier application filed September 13, 2005, as this application was filed more than twelve months prior to the filing date accorded to the present application.

On January 05, 2007, applicant filed "Petition To Change The Filing Date And Correct Priority Claim." In a decision dated February 15, 2007, applicant's petition was dismissed without prejudice.

On April 6, 2007, the present petition considered herein. The petition asserts that the "Express Mail" envelope containing the present application materials were deposited with the USPS as "Express Mail" before midnight on September 13, 2006, and that the proper filing date for this application is therefore September 13, 2006.

## DISCUSSION

37 CFR 1.10(d) 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 the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

- (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
- (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
- (3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in 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 previous petition satisfied items (1) and (2) above. With regard to item (3), applicant has not provided a satisfactory showing under 37 CFR 1.10(d)(3). Moreover, the corroborative evidence from the USPS taken together with the other evidence of record (affidavit signed by Che James) is insufficient to establish that on September 13, 2006 the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Applicant has provided a statement from a USPS employee that refers to a USPS processing error regarding "Express Mail" envelope EV321877202US on September 13, 2006. Raschelle Parker, USPS employee, indicates that "[t]he mail (#EV321877202US) in question was presented at 11:58 p.m. on September 13, 2007 (*sic*). Due to the volume of the mail it was not processed for acceptance until 12:10 a.m. on September 14, 2007." However, the statement does not provide any detail with respect to what happened to the envelope and how the USPS became aware of any processing error (i.e., is the statement provided based on internal USPS information or based only on statements made to the USPS by applicant?). Moreover, the statement does not expressly state that "Express Mail" envelope EV321877202US was properly deposited with the USPS prior to the last scheduled pick-up on September 13, 2006. Rather, it refers generally to an undefined processing error on that date and the untimely acceptance of the envelope. The USPS must provide a more specific statement regarding the acceptance and processing of this "Express Mail" envelope before it can be concluded that the application materials were properly deposited with the USPS on September 13, 2006. Lastly, it is

unclear if Raschelle Parker has first hand knowledge of all the facts. Accordingly, item (3) is not satisfied on the present record.

Based on the above, applicant has not made a sufficient showing that the correspondence in question, that is, the present international application, was deposited with the USPS as "Express Mail" on September 13, 2006. Further detail is required from both applicant and the USPS before item (3) can be considered satisfied.

### CONCLUSION

For the reasons above, the petition under 37 CFR 1.10(d) is **DISMISSED** without prejudice. The filing date remains September 14, 2006. Accordingly, the benefit claim to the U.S. provisional application filed September 13, 2005 remains defective.

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. Such a petition should include a cover letter entitled "Renewed Petition Under 37 CFR 1.10(d)." No additional petition fee is required.

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

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

By facsimile: (571) 273-0025  
Attn: Office Of Petitions

By hand: Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22313

Telephone inquiries concerning this decision should be directed to the undersigned.



Anthony Smith  
Attorney Advisor  
Office of PCT Legal Administration/Office of Petitions  
Tel: (571) 272-3298  
Fax: (571) 273-0459



08 FEB 2008

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

KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK NY 10004-1050

In re Application of:	:	
KORODI, Ferenc	:	DECISION ON SECOND
Application No.: 11/521,595	:	RENEWED PETITION
Filing Date: September 13, 2006	:	(37 CFR 1.10(d))
Attorney's Docket No.: 02664/59504	:	
For: PROCESS FOR PREPARING	:	
SIMVASTATIN AND	:	
INTERMEDIATES THEREOF	:	

This decision is issued in response to the "Request For Reconsideration And Renewed Petition Under 37 CFR 1.10(d) To Correct Filing Date" filed January 09, 2008.

**BACKGROUND**

The procedural background for this application was set forth in the decisions mailed herein on 15 February 2007 and 18 July 2007. Those decisions dismissed applicant's petition under 37 CFR 1.10(d) for failure to satisfy all the requirements of a grantable petition. Specifically, the most recent decision indicated that applicant had not yet provided an adequate showing that the requested filing date was the date the correspondence was deposited with the USPS.

On January 09, 2008, applicants filed the second renewed petition considered herein. Pursuant to the authorization contained in this renewed petition, Deposit Account No. 11-0600 will be charged the fee for the required four-month extension of time to respond.

**DISCUSSION**

The present submission includes a supplemental statement from USPS employee Raschelle Parker in support of applicant's petition. In this statement, Ms. Parker provides information regarding her position at the USPS and the specific investigation that was undertaken to determine the actual deposit date for "Express Mail" envelope EV321877202US. Ms. Parker's statement confirms that her investigation concluded that the "Express Mail" envelope at issue was presented to a USPS associate for processing at 11:58 PM on September 13, 2006. This statement, in combination with the materials provided with applicant's previous petitions, is accepted as providing an adequate showing that the "Express Mail" envelope in which the present application was filed was deposited with the USPS on September 13, 2006 prior to the final scheduled pick-up for that day.

Based on the above, applicant has now satisfied the final requirement for a grantable petition under 37 CFR 1.10(d). The filing date for the present application is therefore appropriately corrected to September 13, 2006.

**CONCLUSION**

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

The filing date for the present application is hereby corrected to September 13, 2006.

It is noted that the corrected filing date is within twelve months of the September 13, 2005 filing date of the U.S. provisional application to which benefit is claimed herein.

The application is being referred for further processing in accordance with this decision, including the mailing of a corrected filing receipt that properly identifies the filing date as September 13, 2006.



Richard M. Ross  
Attorney Advisor  
Office of PCT Legal Administration  
Telephone: (571) 272-3296  
Facsimile: (571) 273-0459



**MORRISON & FOERSTER LLP**  
**1650 TYSONS BOULEVARD**  
**SUITE 400**  
**MCLEAN, VA 22102**

**COPY MAILED**  
JUN 02 2008  
**OFFICE OF PETITIONS**

In re Application of	:	
Saad ABBASSI, et al	:	
Application No. 11/521,607	:	DECISION ON PETITION
Filed: September 15, 2006	:	TO WITHDRAW
Attorney Docket No. 602422000700	:	FROM RECORD
	:	

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 19, 2007.

The request is **APPROVED**.

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

The request was signed by Deborah S. Gladstein on behalf of all attorneys/agents associated with Customer No. 25227.

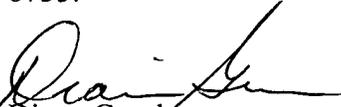
All attorneys/agents associated with Customer No. 25227 have been withdrawn.

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 signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

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



Diane Goodwyn  
Petitions Examiner  
Office of Petitions

cc: SAAD ABBASI  
HOYERSWERDAER STRASSE 27  
01099 DRESDEN  
GERMANY

PATTERSON & SHERIDAN, LLP  
ATTN: GERO G. MCCLELLAN  
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
11/521,607	09/15/2006	Saad Abbasi	602422000700

**CONFIRMATION NO. 9173**

**POWER OF ATTORNEY NOTICE**



25227  
MORRISON & FOERSTER LLP  
1650 TYSONS BOULEVARD  
SUITE 400  
MCLEAN, VA 22102

Date Mailed: 06/02/2008

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 06/19/2007.

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

/dcgoodwyn/

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



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

Mail Date: 04/21/2010

**Applicant** : Martin Erhard : DECISION ON REQUEST FOR  
**Patent Number** : 7620643 : RECALCULATION of PATENT  
**Issue Date** : 11/17/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/521,630 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/15/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **379** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



MYERS BIGEL SIBLEY & SAJOVEC  
P.O. BOX 37428  
RALEIGH NC 27627

**COPY MAILED**

APR 22 2009

In re Application of  
Ashutosh Chilkoti  
Application No. 11/521,651  
Filed: September 15, 2006  
Attorney Docket No. 5405-376

**OFFICE OF PETITIONS**

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 1, 2009, to revive the above-identified application.

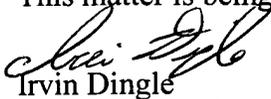
The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 30, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 31, 2008.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$555 extension of time submitted with the petition on April 1, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credit to petitioner's deposit account.

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

This matter is being referred to Technology Center AU 1641 for further processing.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



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Brinks Hofer Gilson & Lione/Seiko Instruments Inc.  
P.O. Box 10395  
Chicago, IL 60611

Mail Date: 04/21/2010

**Applicant** : Daisuke Muraoka : DECISION ON REQUEST FOR  
**Patent Number** : 7659752 : RECALCULATION OF PATENT  
**Issue Date** : 02/09/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/521,674 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/14/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **103** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



BRIAN STEINBERGER/UCF  
101 BREVARD AVENUE  
COCOA FL 32922

MAILED

MAY 07 2009

OFFICE OF PETITIONS

In re Application of :  
Donald C. Malocha :  
Application No. 11/521,708 : DECISION ON PETITIONS  
Filed: September 15, 2006 : UNDER 37 CFR 1.78(a)(3) AND (a)(6)  
Attorney Docket No. UCF-560 :

This is a decision on the "PETITION FOR AN UNINTENTIONALLY DELAYED DOMESTIC PRIORITY CLAIM UNDER 35 U.S.C. 120", filed March 31, 2009, which is being treated as a petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), 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 set forth in the concurrently filed amendment.

The petitions are **GRANTED**.

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

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

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

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

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

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

Any questions concerning this matter may be directed to Petitions Attorney Cliff Congo at (571) 272-3207. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center Art Unit 2612 for consideration by the examiner of the claim for benefit of priority under 35 U.S.C. § §120 and 119(e) to the prior-filed nonprovisional and provisional applications.



Anthony Knight  
Supervisor  
Office of Petitions

**ATTACHMENT** : Corrected Filing Receipt



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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Values: 11/521,708, 09/15/2006, 2612, 500, UCF-560, 20, 3

CONFIRMATION NO. 1772

CORRECTED FILING RECEIPT

76669
BRIAN STEINBERGER/UCF
101 BREVARD AVENUE
COCOA, FL 32922



Date Mailed: 05/04/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Donald C. Malocha, Winter Springs, FL;

Power of Attorney:

Roland Dexter--17668
Joyce Morlin--29170
Brian Steinberger--36423
Phyllis Wood--38663

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/718,575 09/19/2005
and is a CIP of 11/203,260 08/12/2005
which claims benefit of 60/650,843 02/08/2005

Foreign Applications

If Required, Foreign Filing License Granted: 10/06/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/521,708

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

\*\* SMALL ENTITY \*\*

**Title**

Multi-transducer/antenna surface acoustic wave device sensor and tag

**Preliminary Class**

340

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

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

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

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

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

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

**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).



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	:	
Robert James, et al.	:	
Application No. 11/521,711	:	DECISION ON PETITION
Filed: September 14, 2006	:	TO WITHDRAW FROM
Attorney Docket No. 9145.0028-00	:	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<sup>1</sup>. 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)<sup>2</sup>. See *USPTO Form No. PTO/SB/96*.

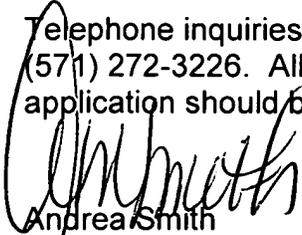
Additionally, the Office will also no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82).

<sup>1</sup> Practitioner should note that false certification may violate a practitioners' duty under 37 CFR 10.23(b)(4) and (b)(5).

<sup>2</sup> 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  
Robert James, et al.  
Application No. 11/521,711  
Filed: September 14, 2006  
Attorney Docket No. 9145.0028-00

DECISION ON PETITION  
TO WITHDRAW FROM  
RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 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 2184 for review of the Appeal Brief filed on October 19, 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



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

**MAILED  
JUL 01 2009  
OFFICE OF PETITIONS**

In re Application of	:	
Leslie M. McEvoy et al.	:	
Application No. 11/521,714	:	DECISION ON PETITION
Filed: September 14, 2006	:	TO WITHDRAW
Attorney Docket No. ANV-0024.0002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 21, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because attorney has not provided a new change of correspondence address for the applicant.

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

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

JoAnne Burke  
Petitions Examiner  
Office of Petitions



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

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**AUG 3 1 2009**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Leslie M. McEvoy et al.	:	
Application No. 11/521,714	:	<b>DECISION ON PETITION</b>
Filed: September 14, 2006	:	<b>TO WITHDRAW</b>
Attorney Docket No. ANV-0024.0002	:	<b>FROM RECORD</b>
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 5, 2009.

The request is **NOT APPROVED**.

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

The request cannot be approved because the Office no longer accept address changes to a new practitioner/customer number or law firm filed with a request, absent the filing of a power of attorney to the new representative. The Office will only accept changes to the most current address information provided for the assignee of the entire interest that properly became of record under 37 CFR 3.71 or, the most current address of the first named inventor.

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

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

JoAnne Burke  
Petitions Examiner  
Office of Petitions



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BOYLE FREDRICKSON S.C.  
840 North Plankinton Avenue  
MILWAUKEE WI 53203

**MAILED**

**JUL 02 2010**

**OFFICE OF PETITIONS**

In re Application of :  
**PRAVIN KUMAR ET AL.** :  
Application No. 11/521,719 : **DECISION ON PETITION**  
Filed: September 15, 2006 :  
Attorney Docket No. **1554.001** :

This is a decision on the petitions (a) under the unintentional provisions of 37 CFR 1.137(b), filed June 23, 2010, to revive the above-identified application and (b) on the petition under 37 CFR 1.182 for expedited consideration thereof.

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

The \$400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account as authorized.

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

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 24, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 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 an amendment, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 3692 for appropriate action by the Examiner in the normal course of business.

JoAnne Burke  
Petitions Examiner  
Office of Petitions



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ROHM AND HAAS COMPANY  
PATENT DEPARTMENT  
100 INDEPENDENCE MALL WEST  
PHILADELPHIA, PA 19106-2399

**MAILED**

**MAR 29 2010**

In re Application of : **OFFICE OF PETITIONS**  
Michael Stanley Decourcy, et al. :  
Application No. 11/521,744 : **DECISION ON PETITION**  
Filed: September 15, 2006 :  
Attorney Docket No. A01554A :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 14, 2010, to revive the above-identified application.

This application became abandoned for failure to timely pay the issue and publication fees on or before December 3, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed September 3, 2009. Accordingly, the date of abandonment of this application is December 4, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1510 and the publication fee of \$300, (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

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

Telephone inquiries concerning this decision should be directed to undersigned 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.

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

  
April M. Wise  
Petitions Examiner  
Office of Petitions





GERALD E. Warriner  
9037-H York Lane  
West Melbourne FL 32904

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NOV 01 2006

**OFFICE OF PETITIONS**

In re Application of  
**WARRINER**  
Application No. 11/521,767  
Filed: September 16, 2006  
Attorney Docket No.

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 16, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The evidence submitted with the instant petition is a copy of Mr. Warriner's Florida 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 3637 for action on the merits commensurate with this decision.

David Bucci  
Petitions Examiner  
Office of Petitions



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**APR 30 2007**

**OFFICE OF PETITIONS**

CLARK HILL, P.C.  
500 WOODWARD AVENUE, SUITE 3500  
DETROIT MI 48226

In re Application of :  
Oberheide : DECISION GRANTING STATUS  
Application No. 11/521,821 : UNDER 37 CFR 1.47(b)  
Filed: September 15, 2006 :  
Atty. Dkt. No.: 19339-109269 :  
For: MEASUREMENT OF MOTOR :  
TEMPERATURE USING A DIGITAL :  
ENCODER :

This decision is in response to the petition under 37 CFR 1.47(b),  
filed February 7, 2007.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor has refused to  
execute the declaration for the above-identified application.

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

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

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

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

  
Alesia M. Brown  
Petitions Attorney  
Office of Petitions



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

G. Clarke Oberheide  
4401 Deacon Court,  
Troy, Michigan 48098

In re Application of :  
Oberheide : LETTER  
Application No. 11/521,821 :  
Filed: September 15, 2006 :  
Atty. Dkt. No.: 19339-109269 :  
For: MEASUREMENT OF MOTOR :  
TEMPERATURE USING A DIGITAL :  
ENCODER :

**COPY MAILED**

**APR 30 2007**

**OFFICE OF PETITIONS**

Dear Sir:

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

As 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.

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).

Alesia M. Brown  
Petitions Attorney  
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: 05/18/2010

<b>Applicant</b>	: Feng Lin	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7619458	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/521,837	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **581** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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
11/521,839	09/15/2006	1641	1130	REGEN1120-19	26	7	1

**CONFIRMATION NO. 2790**
**CORRECTED FILING RECEIPT**


\*OC00000022183263\*

Lisa A. Haile, J.D., Ph.D.  
 DLA PIPER US LLP  
 Suite 1100  
 4365 Executive Drive  
 San Diego, CA 92121-2133

Date Mailed: 01/26/2007

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)**

Michael Karin, San Diego, CA;  
 Masahiko Hibi, San Diego, CA;  
 Anning Lin, La Jolla, CA;

**Assignment For Published Patent Application**

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

**Power of Attorney: None**
**Domestic Priority data as claimed by applicant**

This application is a CON of 11/346,709 02/03/2006 ABN  
 which is a CON of 10/648,823 08/25/2003 ABN  
 which is a CON of 10/051,989 01/16/2002 PAT 6,610,505  
 which is a DIV of 09/461,649 12/14/1999 PAT 6,342,595  
 which is a CON of 09/150,201 09/08/1998 PAT 6,001,584  
 which is a DIV of 08/799,913 02/13/1997 PAT 5,804,399  
 which is a CON of 08/444,393 05/19/1995 PAT 5,605,808  
 which is a DIV of 08/276,860 07/18/1994 PAT 5,593,884  
 which is a CIP of 08/220,602 03/25/1994 PAT 6,514,745  
 which is a CIP of 08/094,533 07/19/1993 PAT 5,534,426

**Foreign Applications**

**Projected Publication Date:** To Be Determined - pending completion of Security Review

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Oncoprotein protein kinase

**Preliminary Class**

435

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

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

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

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

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

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

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

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING

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

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

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

#### **NOT GRANTED**

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



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

Mail Date: 04/27/2010

**Applicant** : Mark Fischer : DECISION ON REQUEST FOR  
**Patent Number** : 7666578 : RECALCULATION of PATENT  
**Issue Date** : 02/23/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/521,851 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/14/2006 : 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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PRATT & WHITNEY  
400 MAIN STREET  
MAIL STOP: 132-13  
EAST HARTFORD, CT 06108

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SEP 27 2007

**OFFICE OF PETITIONS**

In re Application of :  
Scott Webb :  
Application No. 11/521,861 : DECISION ON PETITION  
Filed: September 15, 2006 :  
Attorney Docket No. EH-11032AA :

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

The petition is **GRANTED**.

The application became abandoned by operation of law for failure to reply in a timely manner to the non-final Office action mailed January 16, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on March 17, 2007.

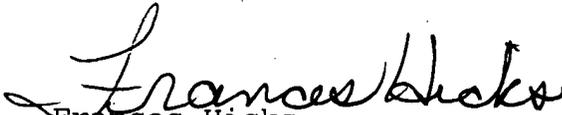
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply in the form of an amendment (with drawings), (2) the petition fee of \$1,500, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the non-final Office action of January 16, 2007 is accepted as being unintentionally delayed.

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

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

This application is being referred to Technology Center AU 3679 for appropriate action in the normal course of business on the reply received July 27, 2007 (and apparently re-submitted on August 1, 2007).

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



Frances Hicks  
Petitions Examiner  
Office of Petitions



FINNEGAN, HENDERSON, FARABOW  
GARRETT & DUNNER, LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

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AUG 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert James, et al.	:	
Application No. 11/521,886	:	DECISION ON PETITION
Filed: September 14, 2006	:	TO WITHDRAW FROM
Attorney Docket No. 70107.75 (IDT 2094-UT)	:	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<sup>1</sup>. 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)<sup>2</sup>. See *USPTO Form No. PTO/SB/96*.

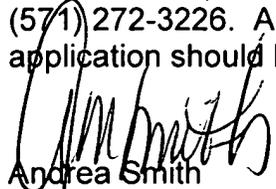
Additionally, the Office will also no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82).

<sup>1</sup> Practitioner should note that false certification may violate a practitioners' duty under 37 CFR 10.23(b)(4) and (b)(5).

<sup>2</sup> 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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**DEC 02 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Robert James, et al. :  
Application No. 11/521,886 :  
Filed: September 14, 2006 :  
Attorney Docket No. 70107.75 (IDT 2094-UT) :

**DECISION ON PETITION  
TO WITHDRAW FROM  
RECORD**

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40, filed October 6, 2009.

The request is **NOT APPROVED AS MOOT**.

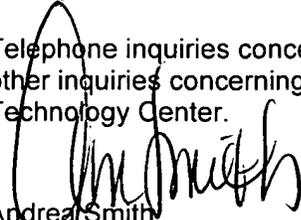
A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 22852 has been revoked by the assignee of the patent application on November 12, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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 2111 for review of the amendment filed on September 17, 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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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/521,886	09/14/2006	Robert James	70107.75 (IDT-2094-UT)

**CONFIRMATION NO. 3060**

**POA ACCEPTANCE LETTER**



27683  
HAYNES AND BOONE, LLP  
IP Section  
2323 Victory Avenue  
Suite 700  
Dallas, TX 75219

Date Mailed: 11/25/2009

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 11/12/2009.

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

/amsmith/

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



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cc

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/521,886	09/14/2006	Robert James	70107.75 (IDT-2094-UT)

CONFIRMATION NO. 3060

POWER OF ATTORNEY NOTICE

22852  
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413



Date Mailed: 11/25/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/12/2009.

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

/amsmith/

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



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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/521,895	09/14/2006	Michael D. West	38797-8005.US25

PERKINS COIE LLP  
P.O. BOX 2168  
MENLO PARK CA 94026

DATE MAILED: April 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 9, 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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HICKMAN PALERMO TRUONG & BECKER/ORACLE  
2055 GATEWAY PLACE  
SUITE 550  
SAN JOSE, CA 95110-1083

Mail Date: 04/21/2010

<b>Applicant</b>	: Juan Loaiza	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7600063	: RECALCULATION of PATENT
<b>Issue Date</b>	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
<b>Appliction No</b>	: 11/521,908	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **397** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

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**OFFICE OF PETITIONS**

In re Application of :  
Dabit et al. :  
Application No. 11/521,912 :  
Filed: September 16, 2006 :  
Attorney Docket No. 884.G00US2 :  
For: Partitioned Multi-Die Wafer-Sort :  
Probe Card And Methods Of Using :  
Same :

Decision According Status  
Under 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed May 10, 2007.

The petition is **granted**.

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

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

Technology Center Art Unit 2829 will be informed of the declaration has been accepted without the signature of one of the inventors.

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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**OFFICE OF PETITIONS**

**WOLF GREENFIELD & SACKS, P.C.**  
**600 ATLANTIC AVENUE**  
**BOSTON MA 02210-2206**

In re Application of	:	
<b>ZILLMANN, Dolf</b>	:	
Application No. 11/521,935	:	DECISION ON PETITION
Filed: September 15, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. <b>Z0104.70001US00</b>	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 4, 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 Dolf Zillmann, 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 3679 for action on the merits commensurate with this decision.

  
Monica A. Graves  
Petitions Examiner  
Office of Petitions



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PEACOCK MYERS, P.C.  
201 THIRD STREET, N.W.  
SUITE 1340  
ALBUQUERQUE, NM 87102

Mail Date: 04/21/2010

<b>Applicant</b>	: January Kister	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7659739	: RECALCULATION of PATENT
<b>Issue Date</b>	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/521,944	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP  
300 S. WACKER DRIVE  
32ND FLOOR  
CHICAGO, IL 60606

Mail Date: 04/21/2010

**Applicant** : Theo Naicker : DECISION ON REQUEST FOR  
**Patent Number** : 7637506 : RECALCULATION of PATENT  
**Issue Date** : 12/29/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/521,967 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/14/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **16** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



GREENBERG TRAURIG, LLP  
ONE INTERNATIONAL PLACE, 20th FL  
ATTN: PATENT ADMINISTRATOR  
BOSTON MA 02110

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**OCT 31 2006**

**OFFICE OF PETITIONS**

In re Application of	:	
Mario M. Rathle	:	
Application No. 11/521,970	:	DECISION ON PETITION
Filed: September 16, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 94368-010102/US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 16, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes 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 3673 for action on the merits commensurate with this decision.

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



GREENBERG TRAUIG, LLP  
ONE INTERNATIONAL PLACE, 20th FL  
ATTN: PATENT ADMINISTRATOR  
BOSTON MA 02110

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**OFFICE OF PETITIONS**

In re Application of :  
Mario Rathle :  
Application No. 11/521,970 :  
Filed: September 15, 2006 :  
Attorney Docket No. 94368-010101/US :

**ON PETITION**

This is a decision on the petition filed October 27, 2006 to correct the filing date to December 15, 2006, rather than the presently accorded filing date of December 16, 2006. The petition is being treated under 37 CFR 1.10 ( c)

Petitioner alleges that the application was deposited in Express Mail service on December 15, 2006. In support, petitioner has supplied a copy of Express Mail Label No. EV426287085US (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 a little illegible which could have caused some confusion as to the date-in but the express mail label bears a USPS postmark of December 15, 2006.

The evidence therefore is sufficient for correcting the filing date.

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 September 15, 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  
Senior Petitions Attorney  
Office of Petitions



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

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**JUL 07 2010**

In re Application of : **OFFICE OF PETITIONS**  
David Michael Leger et al. :  
Application No. 11/521,997 : **DECISION ON PETITION**  
Filed: September 15, 2006 :  
Attorney Docket No. 2043.322US1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 19, 2010, to revive the above-identified application.

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

A review of the record shows that a non-final Office action was mailed on August 11, 2009. A reply was received on February 11, 2010, along with a three month extension of time. The reply was timely filed. Therefore the abandonment is hereby **VACATED**.

This application is being referred to Technology Center 3694 to withdraw the holding of abandonment.

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

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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FEB - 8 2007

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PHILIP S. JOHNSON  
 JOHNSON & JOHNSON  
 ONE JOHNSON & JOHNSON PLAZA  
 NEW BRUNSWICK NJ 08933-7003

In re Application of :  
 David E. Edgren et al :  
 Serial No.: 11/522,014 : SUSPENSION OF ACTION  
 Filed: September 15, 2006 :  
 Attorney Docket No.: ARC 2164 :

This is in reply to the petition under 37 CFR 1.103 to suspend action on this application at applicant's request for a period of six months, filed January 16, 2007.

A review of the file history shows that this is an unexamined application.

**§ 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(h), unless such cause is the fault of the Office.

Applicants' petition states that the parent application of which this is a Divisional is presently undergoing reexamination and that the art applied and decisions made therein on patentability of the method claims may affect prosecution of the instant product claims. Applicants' reasons have been considered. However, the issues attendant to the determination of patentability of a method undergoing reexamination may be significantly different from the issues attendant to the patentability of a compound or composition claim. Further it is not the practice of the Office to suspend prosecution of unexamined applications even when the application is a continuation of an earlier abandoned application which is a Divisional of the patented application.

In view of the above reason the petition is **DENIED**.

Should there be any questions with respect to this action, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, P. O. BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at the Office general facsimile number, 571-273-8300.

A handwritten signature in black ink, appearing to read "Bruce M. Kisliuk". The signature is fluid and cursive, with the first name "Bruce" being the most prominent.

Bruce M. Kisliuk  
Director, Technology Center 1600



MAY 30 2007

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 NEW BRUNSWICK NJ 08933-7003

In re Application of :  
 David Edgren et al :  
 Serial No.: 11/522,014 : PETITION DECISION  
 Filed: September 15, 2006 :  
 Attorney Docket No.: ARC2416USCNT3 :

This is a response to the petition under 37 CFR 1.59(b), filed April 5, 2007, to expunge information from the above identified application. The application has been assigned to an examiner, but has not been acted on at the present time.

Petitioner requests that the Proprietary Information Disclosure Statement, filed November 6, 2006, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public.

This is an unexamined application. As such, the information provided has not been reviewed by the examiner and the petition cannot be granted at this time. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application petition may be made for return of Proprietary Information Disclosure Statements. It is noted also that the petition fails to make the required statements regarding retention of the material.

The petition is **DISMISSED**. Applicants may resubmit the petition subsequent to allowance or other action being mailed in the application which closes prosecution. No additional petition fee will be required at that time.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, at the above address, or by telephone at 571-272-0519 or by facsimile transmission at the Office facsimile number, 571-273-8300.

  
 Bruce M. Kisliuk  
 Director, Technology Center 1600



NOV 23 2007

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PHILIP S. JOHNSON  
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 ONE JOHNSON & JOHNSON PLAZA  
 NEW BRUNSWICK NJ 08933-7003

In re Application of  
 David Edgren et al  
 Serial No.: 11/522,014  
 Filed: September 15, 2006  
 Attorney Docket No.: ARC2416USCNT3

: PETITION DECISION

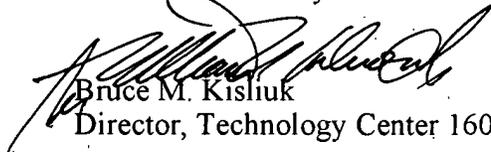
This is a response to the new petition under 37 CFR 1.59(b), filed October 25, 2007, to expunge information from the above identified application. The application has been assigned to an examiner, but has not been acted on at the present time.

Petitioner requests that the Proprietary Information Disclosure Statement, filed October 25, 2007, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public.

This is an unexamined application. As such, the information provided has not been reviewed by the examiner and the petition cannot be granted at this time. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application petition may be made for return of Proprietary Information Disclosure Statements.

The petition is **DISMISSED**. Applicants may resubmit the petition subsequent to allowance or other action being mailed in the application which closes prosecution. No additional petition fee will be required at that time.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, at the above address, or by telephone at 571-272-0519 or by facsimile transmission at the Office facsimile number, 571-273-8300.

  
 Bruce M. Kishiuk  
 Director, Technology Center 1600



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**SPYROS LAZARIS  
ZUBER & TAILLIEU LLP  
10866 WILSHIRE BLVD., SUITE 300  
LOS ANGELES, CA 90024**

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**APR 10 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Fereidoon F. Heravi :  
Application No. 11/522,019 :  
Filed: September 15,2006 :  
Attorney Docket No. 1038-1002 :

**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 9, 2009.

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

A review of the file record indicates that the power of attorney to the practitioners associated with Customer No. 73276 was revoked by the applicants of the patent application on December 29, 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 Alicia Kelley at 571-272- 6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

cc: **CARL & ASSOCIATES  
103 N. CLARK DRIVE  
LOS ANGELES CA 90048**



**MORRISON & FOERSTER, LLP**  
**425 MARKET STREET**  
**SAN FRANCISCO, CA 94105-2782**

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**NOV 15 2007**

In re Application of  
Michael N. Gurevich  
Application No. 11/522,028  
Filed: September 14, 2006  
Attorney Docket No. 007532000110

**OFFICE OF PETITIONS**

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed October 17, 2007.

The request is **APPROVED**.

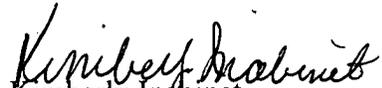
A review of the file record indicates that Thomas L. Treffert and all attorneys/agents with the firm Morrison & Foerster, LLP: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present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

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to the first signing inventor. A courtesy copy of this decision will be mailed to the address noted on the request to withdraw.

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

There are no outstanding Office actions in this case.

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

  
Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Michael N. Gurevich  
1422 Whitecliff Way  
Walnut Creek, CA 94596

cc: Steven P. Phillips, Esq.  
Moore & Van Allen, PLLC  
430 Davis Drive, Suite 500  
Morrisville, NC 27560



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/522,028	09/14/2006	Michael N. Gurevich	007532000110

**CONFIRMATION NO. 3144**

**POWER OF ATTORNEY NOTICE**



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

Date Mailed: 11/14/2007

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 10/17/2007.

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

/kainabinet/

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



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CARLSON, GASKEY & OLDS, P.C.  
400 WEST MAPLE ROAD  
SUITE 350  
BIRMINGHAM, MI 48009

Mail Date: 05/20/2010

<b>Applicant</b>	: Tomaz Dopico Varela	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7618049	: RECALCULATION of PATENT
<b>Issue Date</b>	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/522,042	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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



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

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JUL 06 2009

In re Application of	:	OFFICE OF PETITIONS
Miyuki Nishimura et al.	:	
Application No. 11/522,043	:	DECISION ON PETITION
Filed: September 15, 2006	:	TO WITHDRAW
Attorney Docket No. 2003946-0253	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 1, 2009.

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 Fangli Chen and all attorneys/agents associated with customer number 24280 has been revoked by the assignee of the patent application on May 26, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

*Kimberly Inabinet*  
Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Fish & Richardson P.C.  
P.O. Box 1022  
Minneapolis, MN 55440-1022



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MENLO PARK CA 94026

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APR 28 2008

In re Application of  
Karl Petter Soderstrom  
Application No. 11/522,051  
Filed: September 15, 2006  
Attorney Docket No. 55600-8019.US01

**OFFICE OF PETITIONS  
DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 26, 2007.

The request is **APPROVED**.

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

The request was signed by Judy Mohr on behalf of all attorneys of record who are associated with customer No. 22918.

All attorneys/agents associated with the Customer Number 22918 have been withdrawn.

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

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

There are no pending Office actions at the present time.

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

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

cc: KARL P. SODERSTROM  
1908 MENALTO AVENUE  
MENLO PARK, CA 94025



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Schwegman, Lundberg, Woessner & Kluth, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402

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**OFFICE OF PETITIONS**

In re Application of  
J. Thomas Vaughan Jr.  
Application No. 11/522,082  
Filed: September 15, 2006  
Attorney Docket No. 1289.1101105

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 31, 2007.

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

A review of the file record indicates that the power of attorney to Schwegman, Lundberg, Woessner & Kluth, P.A. has been revoked by the assignee of the patent application on July 9, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

  
Terri Williams  
Petitions Examiner  
Office of Petitions

cc: **Crompton, Seager & Tufte, LLC**  
1221 Nicollet Avenue  
Suite 800  
Minneapolis, MN 55403-2420



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DORITY & MANNING, P.A.  
POST OFFICE BOX 1449  
GREENVILLE, SC 29602-1449

Mail Date: 04/27/2010

**Applicant** : Jason R. Moldthan : DECISION ON REQUEST FOR  
**Patent Number** : 7644741 : RECALCULATION of PATENT  
**Issue Date** : 01/12/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/522,115 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/15/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **739** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



ETHERTON LAW GROUP, LLC  
5555 E. VAN BUREN STREET, SUITE 100  
PHOENIX AZ 85008

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JUN 06 2007

**OFFICE OF PETITIONS**

In re Application of :  
Shanks and Maloney :  
Application No. 11/522,136 : DECISION ON PETITION  
Filed: 09-14-2006 :  
Attorney Docket No. 206-138 :

This is in response to the petition under 37 CFR 1.47(a), filed January 4, 2007. Applicant obtained an extension of time for response within the first month. Accordingly, the petition is timely filed.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

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

As to item (2), the declaration does not set forth the non-signing inventor's residence, citizenship and post office address. An oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the signing inventor on behalf of himself and the non-signing inventor is **REQUIRED**. See 37 CFR 1.76 and MPEP 409.03(a).

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

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

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

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

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

*Christina Tartera Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions

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JUL 05 2007



**ETHERTON LAW GROUP LLC**

5555 EAST VAN BUREN STREET  
SUITE 100  
PHOENIX, AZ 85008

TEL: 602-681-3331  
FAX: 602-681-3339

<b>To:</b>	United States Patent and Trademark Office Central Facsimile
<b>Fax:</b>	<b>571-273-8300</b>
<b>Phone:</b>	
<b>Re:</b>	ATTN: Office of Petitions
<b>Appl. No:</b>	11/522136
<b>Atty File:</b>	206-138

**FROM:** Sandra L. Etherton, Reg. No. 36,982

**FAX:** 602-681-3339

**PHONE:** 602-681-3331

**PAGES:** 5 including cover

**DATE:** July 5, 2007

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**THE ATTACHED INFORMATION IS CONFIDENTIAL.  
PLEASE DO NOT DISSEMINATE TO OTHER THAN ADDRESSEE.**

---

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

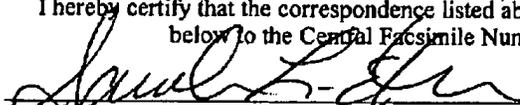
JUL 05 2007

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*In re Application of*

**Applicants:** Steve C. Shanks and Ryan Maloney  
**Title of Invention:** Fat Reduction Using External Laser Radiation and Niacin  
**Filed:** September 14, 2006  
**Serial Number:** 11/522,136  
**Atty Docket No.:** 206-138

---

CERTIFICATE OF TRANSMISSION under 37 CFR §§1.8 and 1.6(d)		
I hereby certify that the correspondence listed above is being transmitted by facsimile on the date indicated below to the Central Facsimile Number listed below, ATTN: Office of Petitions.		
 Sandra L. Etherton	7/5/07 Date	571-273-8300 Central Facsimile

Office of Petitions  
Attn: Christina Tartera Donnell  
United States Patent and Trademark Office  
PO Box 1450  
Alexandria, VA 22313

Dear Ms. Donnell:

This is a response to your Decision on Petition dated June 6, 2007, dismissing the petition for failure to state on the declaration the non-signing inventor's residence address, citizenship, and post office address and setting forth a period of two months for reply. This response is submitted within one month of the mailing date of the Decision, and is therefore considered timely filed.

Pursuant to our telephone call on June 26, 2007, please find enclosed an Application Data Sheet, setting forth the requested information. Thank you for your assistance in this matter.

  
Sandra L. Etherton  
Registration No. 36,982

Customer Number 33354  
Etherton Law Group, LLC  
5555 East Van Buren Street, Suite 100  
Phoenix, AZ 85008  
tel: 602-681-3331/fax: 602-681-3339



Date Mailed: March 10, 2008

ETHERTON LAW GROUP, LLC  
5555 E. VAN BUREN STREET, SUITE 100  
PHOENIX AZ 85008

Applicant: Shanks et al.  
Appl. No.: 11/522,136  
Filing Date: September 14, 2006  
Title: FAT REDUCTION USING EXTERNAL LASER RADIATION AND NIACIN  
Attorney Docket No.: 206-138  
Pub. No.: US 2007/0100402 A1  
Pub. Date: May 3, 2007

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on February 27, 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.

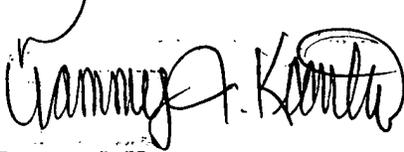
Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission.

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: 03/10/2008 KKING1  
02/27/2008 CCHAU1 00000028 11522136  
02 FC:1505 -300.00 OP

Refund Ref:  
03/10/2008 0030051794

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Credit Card Refund Total: \$300.00

Am Exp.: XXXXXXXXXXXX5007

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

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

DATE : 3/20/09

TO SPE OF : ART UNIT 2823

SUBJECT : Request for Certificate of Correction for Appl. No.: 11522144 Patent No.: 7410856 B2

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

**FOR IFW FILES:**

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

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

**FOR PAPER FILES:**

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

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

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

**LAMONTE NEWSOME**  
Certificates of Correction Branch  
703-308-9390 ext. 112

**Thank You For Your Assistance**

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

Note your decision on the appropriate box.

**Approved**

All changes apply.

**Approved in Part**

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

**Denied**

State the reasons for denial below.

Comments: The changes appear to be proper. The location  
of the formation of the oxide leads itself to an understanding  
that "the pillar" corresponds to "the first pillar"

Mark D. Smith

SPE 2823

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

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

DATE : 3/20/09

TO SPE OF : ART UNIT 2823

SUBJECT : Request for Certificate of Correction for Appl. No.: 11522144 Patent No.: 7410856 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 NEWSOME  
Certificates of Correction Branch  
703-308-9390 ext. 112

**Thank You For Your Assistance**

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

Note your decision on the appropriate box.

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

Comments: The changes appear to be proper. The location of the formation of the odd lead itself to an understanding that "the pillar" corresponds to "the first pillar"

M. D. [Signature] SPE 2823



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PERKINS COIE LLP/MSFT  
P. O. BOX 1247  
SEATTLE, WA 98111-1247

Mail Date: 04/20/2010

**Applicant** : Anoop Gupta : DECISION ON REQUEST FOR  
**Patent Number** : 7631015 : RECALCULATION of PATENT  
**Issue Date** : 12/08/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/522,160 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/14/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **251** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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PERKINS COIE LLP/MSFT  
P. O. BOX 1247  
SEATTLE, WA 98111-1247

Mail Date: 05/17/2010

<b>Applicant</b>	: Anoop Gupta	: NOTICE CONCERNING IMPROPER
<b>Patent Number</b>	: 7631015	: CALCULATION OF PATENT TERM
<b>Issue Date</b>	: 12/08/2009	: ADJUSTMENT BASED UPON USPTO
<b>Application No</b>	: 11/522,160	: IMPROPERLY MEASURING REDUCTION
<b>Filed</b>	: 09/14/2006	: PERIOD UNDER 37 CFR 1.704(c)(10).

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

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

The patent term adjustment has been determined to be **279** 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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BRINKS HOFER GILSON & LIONE/ALTICOR INDY  
ONE INDIANA SQUARE  
SUITE 1600  
INDIANAPOLIS IN 46204

**COPY MAILED**

OCT 15 2008

**OFFICE OF PETITIONS**

In re Application of :  
:   
David W. Baarman, et al. : DECISION GRANTING PETITION  
Application No. 11/522,166 : UNDER 37 CFR 1.313(c)(2)  
Filed: September 15, 2006 :  
Attorney Docket No. 3086/1708 :

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

The petition is **GRANTED**.

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

*Petitioner is advised that the issue fee paid on September 9, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

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

This application is being referred to Technology Center AU 2834 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the previously filed amendment dated September 9, 2008 as well as the concurrently filed amendment.

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

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



BRINKS HOFER GILSON & LIONE/ALTICOR INDY  
CAPITAL CENTER, SUITE 1100  
201 NORTH ILLINOIS STREET  
INDIANAPOLIS IN 46204-4220

MAILED

OCT 15 2009

OFFICE OF PETITIONS

In re Application of :  
David W. Baarman, et al. :  
Application No. 11/522,166 : DECISION GRANTING PETITION  
Filed: September 15, 2006 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 3086/1708 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 13, 2009, 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. Sanders N. Hillis 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. Sanders N. Hillis desires to receive future correspondence regarding this file, the appropriate power of attorney documents must be submitted. 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 28, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

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

This application is being referred to Technology Center AU 2839 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



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FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

Mail Date: 04/21/2010

<b>Applicant</b>	: Toru Fujiwara	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7666678	: RECALCULATION of PATENT
<b>Issue Date</b>	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
<b>Appliction No</b>	: 11/522,168	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/15/2006	: 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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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	:	
Robert James, et al.	:	
Application No. 11/522,173	:	DECISION ON PETITION
Filed: September 14, 2006	:	TO WITHDRAW FROM
Attorney Docket No. 70107.77 (IDT 2096)	:	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<sup>1</sup>. 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)<sup>2</sup>. See USPTO Form No. PTO/SB/96.

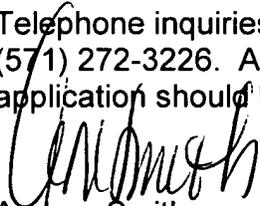
Additionally, the Office will also no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82).

<sup>1</sup> Practitioner should note that false certification may violate a practitioners' duty under 37 CFR 10.23(b)(4) and (b)(5).

<sup>2</sup> 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 :  
Robert James, et al. :  
Application No. 11/522,173 :  
Filed: September 14, 2006 :  
Attorney Docket No. 70107.77 :

**DECISION ON PETITION  
TO WITHDRAW FROM  
RECORD**

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40, filed October 6, 2009.

The request is **NOT APPROVED AS MOOT**.

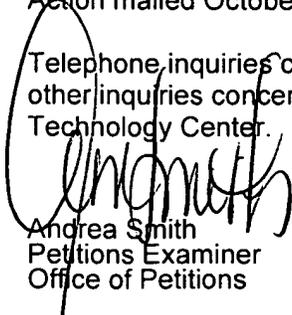
A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 22852 has been revoked by the assignee of the patent application on November 12, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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 2184 to await a response to the Advisory Action mailed October 6, 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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THE FARRELL LAW FIRM, LLP  
290 Broadhollow Road  
Suite 210E  
Melville, NY 11747

Mail Date: 04/21/2010

<b>Applicant</b>	: Sung-Hyun Cho	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7664087	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/522,196	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **623** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



THE PROCTER & GAMBLE COMPANY  
INTELLECTUAL PROPERTY DIVISION  
WINTON HILL BUSINESS CENTER - BOX 161  
6110 CENTER HILL AVENUE  
CINCINNATI OH 45224

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MAR 26 2007

**OFFICE OF PETITIONS**

In re Application of  
Taku Iwamura et al.  
Application No. 11/522,197  
Filed: September 15, 2006  
Attorney Docket No. CM3121M

:  
:  
: DECISION GRANTING PETITION  
:  
:

This is a decision on the petition filed October 25, 2006, under 37 CFR 1.10(e), requesting a corrected filing date of September 15, 2006, instead of the presently accorded filing date of September 14, 2006. The petition is being treated under 37 CFR 1.10(d).

Petitioners acknowledge that the date of the deposit in Express Mail shown on petitioners' Express Mail receipt is September 14, 2006, but argue that the application was actually deposited with the USPS on September 15, 2006.

In support of the petition seeking to have September 15, 2006 accorded as the filing date, petitioners have provided a copy from the USPS Internet Track & Confirm Database which shows an acceptance date of September 15, 2006 at 4:59pm. Additionally, the express mail label bears a USPS postmark of September 15, 2006.

The evidence provided corroborates that the item bearing Express Mail Label No. EV916937845US was presented for mailing on September 15, 2006 and not on September 14, 2006. In view thereof, it is concluded that the application is entitled to a filing date of September 15, 2006.

The petition is **GRANTED**. In view thereof, no petition fees are due and none have been charged.

This matter is being referred to the Office of Initial Patent Examination for correction of the filing date to September 15, 2006 and not September 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  
Senior Petitions Attorne  
Office of Petitions



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SCHERING-PLOUGH CORPORATION  
PATENT DEPARTMENT (K-6-1, 1990)  
2000 GALLOPING HILL ROAD  
KENILWORTH NJ 07033-0530

**COPY MAILED**

**SEP 21 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Pickett, et al. :  
Application No. 11/522,207 :  
Filed: September 15, 2006 :  
Attorney Docket No. PD06280US01 :

**ON PETITION**

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

The petition is GRANTED.

The application became abandoned March 26, 2009 for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of September 25, 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. This decision precedes Notice of Abandonment.

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

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

This application is being referred to Technology Center AU 1614 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.

*/ALESIA M. BROWN/*

Alesia M. Brown  
Petitions Attorney  
Office of Petitions



ExxonMobil Chemical Company  
LawTechnology  
P.O. Box 2149  
Baytown TX 77522-2149

**MAILED**

JUN 18 2010

OFFICE OF PETITIONS

In re Application of :  
Rehkugler, et al. :  
Application No. 11/522,263 :  
Filed: September 15, 2006 :  
Attorney Docket No. 2006EM100 :

ON PETITION

This is a decision on the petition filed February 23, 2010, which is being treated as a petition under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed non-provisional applications set forth in the amendment filed concurrently with the instant petition.

The petition under 37 CFR 1.78(a)(3) is **DISMISSED**.

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 periods specified in 37 CFR 1.78(a)(5)(ii) and 37 CFR 1.78(a)(2)(ii).

The petition under 37 CFR 1.78(a)(3) must be accompanied by:

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

The petition does not comply with item (1).

In reviewing the chain of applications to which applicant is seeking a claim for priority, it does not appear that Application No. 11/096,298 references intermediate Application No. 10/791,662. Section 201.11(III)(c) of the Manual of Patent Examining Procedure provides, in pertinent part, that:

Sometimes a pending application is one of a series of applications wherein the pending application is not copending with the first filed application but is copending with an intermediate application entitled to the benefit of the filing date of the first application. If applicant wishes that the pending application have the benefit of the filing date of the first filed application, applicant must, besides making reference to the intermediate application, also make reference to the first application. See *Sticker Indus. Supply Corp. v. Blaw-Knox Co.*, 405 F.2d 90, 160 USPQ 177 (7th Cir. 1968) and *Hovlid v. Asari*, 305 F. 2d 747, 134 USPQ 162 (9th Cir. 1962). The reference to the prior applications must identify all of the prior applications and indicate

the relationship (i.e., continuation, divisional, or continuation-in-part) between each nonprovisional application in order to establish copendency throughout the entire chain of prior applications. Appropriate references must be made in each intermediate application in the chain of prior applications. If an applicant desires, for example, the following benefit claim: "this application is a continuation of Application No. C, filed ---, which is a continuation of Application No. B, filed ---, which claims the benefit of provisional Application No. A, filed ---," then Application No. C must have a reference to Application No. B and provisional Application No. A, and Application No. B must have a reference to provisional Application No. A.

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). Petitioner should review the claim submitted to ensure that appropriate references are made in each of intermediate application in the chain of prior application.

It is further noted that the amendment makes a reference to application 10/791,662, which has no inventor in common with application 11/096,298. Accordingly, petitioner should also review the claim to ensure that the application serial numbers to which petitioner is making a claim of priority are accurately cited.

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 Kenya A. McLaughlin, Petitions Attorney at (571) 272-3222.



Chris Bottorff  
Supervisor  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**MAILED**

**MAY 17 2010**

**OFFICE OF PETITIONS**

FITZPATRICK CELLA HARPER &  
SCINTO  
1290 Avenue of the Americas  
NEW YORK NY 10104-3800

In re Application of	:	
Heuer et al.	:	
Application No. 11/522,266	:	
Filed: September 14, 2006	:	ON APPLICATION FOR
Attorney Docket No.	:	PATENT TERM ADJUSTMENT
03490.000020	:	
Title: NUTRITIONAL COMPOSITION	:	
AND METHOD FOR INCREASING	:	
CREATINE UPTAKE AND RETENTION	:	
IN SKELETAL MUSCLE, INCREASING	:	
MUSCLE MASS AND STRENGTH,	:	
INCREASING EXERCISE CAPACITY	:	
AND FOR AIDING RECOVERY	:	
FOLLOWING EXERCISE	:	

This is a decision on the "PETITION FOR CORRECTED PATENT TERM ADJUSTMENT," filed October 1, 2009. Applicants request that the initial Determination of Patent Term Adjustment under 35 U.S.C. 154(b) be corrected.

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

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 zero (0) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

On August 26, 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 0 days. In response, applicants timely filed the instant request for reconsideration of the patent term adjustment along with payment of the fee set forth in 37 C.F.R. § 1.18(e).

Applicants contend that the reductions for 90 days and 46 days pursuant to 37 CFR 1.704(b) are incorrect. Applicants note that the Office actions mailed on July 24, 2008 and February 11, 2009 were mailed to the incorrect correspondence address. Thus, applicants argue the reductions of 90 and 46 days should be removed.

The application history has been reviewed and it has been determined that reductions of 90-days and 46-days will be removed. No assessment of delay has been made to applicant for responding to the Office actions of July 24, 2008 and February 11, 2008.

Further, no Office delay will be assessed as both Office actions were mailed and responded to by applicants.

Applicants' delay prior to the mailing of the Notice of Allowance is 0 days,

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is 0 days.

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

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

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

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

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

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



Anthony Knight  
Director  
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

# PALM INTRANET

## PTA Calculations for Application: 11/522266

Application Filing Date:	09/14/2006	PTO Delay (PTO):	0
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	136
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	136		

## File Contents History

Number	Date	Contents Description	PTO	APPL	START
102	05/14/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	136		
83	08/26/2009	MAIL NOTICE OF ALLOWANCE			
82	08/25/2009	ISSUE REVISION COMPLETED			
81	08/25/2009	DOCUMENT VERIFICATION			
80	08/25/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
79	08/25/2009	EXAMINER'S AMENDMENT COMMUNICATION			
78	08/25/2009	NOTICE OF ALLOWABILITY			
74	08/06/2009	DATE FORWARDED TO EXAMINER			
73	06/26/2009	RESPONSE AFTER NON-FINAL ACTION		46	70
72	06/26/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
71	06/24/2009	CORRESPONDENCE ADDRESS CHANGE			
70	02/11/2009	MAIL NON-FINAL REJECTION			
69	02/09/2009	NON-FINAL REJECTION			
66	02/05/2009	DATE FORWARDED TO EXAMINER			
65	01/22/2009	RESPONSE AFTER NON-FINAL ACTION		90	61
64	01/22/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
63	11/10/2008	MISCELLANEOUS INCOMING LETTER			
61	07/24/2008	MAIL NON-FINAL REJECTION			
60	07/21/2008	NON-FINAL REJECTION			
59	07/18/2008	DATE FORWARDED TO EXAMINER			
58	07/01/2008	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
55	07/18/2008	DATE FORWARDED TO EXAMINER			
54	07/01/2008	REQUEST FOR CONTINUED EXAMINATION			

		(RCE)			
53	07/18/2008	DISPOSAL FOR A RCE / CPA / R129			
48	07/01/2008	WORKFLOW - REQUEST FOR RCE - BEGIN			
47	04/01/2008	MAIL FINAL REJECTION (PTOL - 326)			
46	03/29/2008	FINAL REJECTION			
41	03/21/2008	DATE FORWARDED TO EXAMINER			
40	02/11/2008	RESPONSE AFTER NON-FINAL ACTION			
39	11/13/2007	MAIL NON-FINAL REJECTION			
38	11/09/2007	NON-FINAL REJECTION			
35	09/19/2007	DATE FORWARDED TO EXAMINER			
34	09/18/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
33	09/19/2007	DATE FORWARDED TO EXAMINER			
32	09/18/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
31	09/19/2007	DISPOSAL FOR A RCE / CPA / R129			
30	09/18/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
29	08/23/2007	PG-PUB ISSUE NOTIFICATION			
28	07/20/2007	MAIL FINAL REJECTION (PTOL - 326)			
27	07/18/2007	FINAL REJECTION			
26	07/05/2007	DATE FORWARDED TO EXAMINER			
25	06/27/2007	RESPONSE AFTER NON-FINAL ACTION			
24	05/22/2007	CORRESPONDENCE ADDRESS CHANGE			
23	05/22/2007	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
22	04/23/2007	MAIL NON-FINAL REJECTION			
21	04/18/2007	NON-FINAL REJECTION			
20	04/02/2007	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
18	01/26/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
17	03/14/2007	DATE FORWARDED TO EXAMINER			
16	03/05/2007	RESPONSE TO ELECTION / RESTRICTION FILED			
15	01/26/2007	REFERENCE CAPTURE ON IDS			
14.7	01/26/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	01/26/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	02/05/2007	MAIL RESTRICTION REQUIREMENT			

12	02/01/2007	REQUIREMENT FOR RESTRICTION / ELECTION			
11	01/17/2007	CASE DOCKETED TO EXAMINER IN GAU			
10	12/14/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
9	11/30/2006	APPLICATION DISPATCHED FROM OIPE			
8	12/01/2006	APPLICATION IS NOW COMPLETE			
7	11/20/2006	ADDITIONAL APPLICATION FILING FEES			
6	11/20/2006	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	10/04/2006	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
4	10/02/2006	CLEARED BY OIPE CSR			
3	10/02/2006	CASE CLASSIFIED BY OIPE			
2	09/29/2006	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	09/14/2006	INITIAL EXAM TEAM NN			

Search Another: Application#

**EXPLANATION OF PTA CALCULATION**

**EXPLANATION OF PTE CALCULATION**

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CORNING CABLE SYSTEMS LLC  
C/O CORNING INC., INTELLECTUAL PROPERTY DEPARTMENT  
SP-TI-3-1  
CORNING, NY 14831

**COPY MAILED**

**MAR 05 2008**

In re Application of : **OFFICE OF PETITIONS**  
Robert B. Elkins, III, et al. :  
Application No. 11/522,274 : **DECISION GRANTING PETITION**  
Filed: September 15, 2006 : **UNDER 37 CFR 1.313(c)(2)**  
Attorney Docket No. HE0230-A :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 29, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

***Petitioner is advised that the issue fee paid on February 13, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

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

This application is being referred to Technology Center AU 2874 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

  
April M. Wise  
Petitions Examiner  
Office of Petitions

---

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:

DATE : 07/06/2009

TO SPE OF : ART UNIT 1626

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

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

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

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

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

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

Thank You For Your Assistance

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

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

Note your decision on the appropriated box.

**Approved**

All changes apply.

**Approved in Part**

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

**Denied**

State the reasons for denial below.

**Comments:**

/Joseph K. McKane/

SPE, Art Unit 1626

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:

DATE : 07/06/2009

TO SPE OF : ART UNIT 1626

SUBJECT : Request for Certificate of Correction on Patent No.: 7,531,563

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

Please complete this form and return with file, within 7 days to:  
**Certificates of Correction Branch - ST (South Tower) 9A22**  
Palm location 7590 - Tel. No. (703) 305-8309

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

Thank You For Your Assistance

Certificates of Correction Branch

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

Note your decision on the appropriated box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments:

  
JOSEPH K. MCKANE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Joe McKinney Muncy  
P.O. Box 1364  
Fairfax, Va. 22038-1364

**MAILED**

APR 27 2009

OFFICE OF PETITIONS

In re Application of :  
Der-Jang LIAW :  
Application No. 11/522,331 : DECISION ON PETITION  
Filed: September 18, 2006 :  
Attorney Docket No. 0941-1732PUS5 :

This is a decision on the petition under 37 CFR 1.182, filed, June 5, 2008, to correct the inventorship in the instant application.

The petition is **DISMISSED**.

Petitioner requests that the U.S. Patent and Trademark Office (Office) update their records to add the names Shou-Mau HONG and Ming-Hung HUANG as inventors. Petitioner submits that the Office records omitted these two inventors from the present application.

Petitioner agrees that a review of the file history indicates that the Electronic Acknowledgement Receipt dated December 12, 2006 shows that only a single declaration page was submitted. Petitioner notes however that the bottom of the single page declaration clearly stated "Additional Inventors are being named on separately numbered sheets attached hereto". Petitioner further notes that it should be clear that the declaration submitted December 12, 2006 was not being utilized as a newly executed oath or declaration in order to correct inventorship of the continuing application (see MPEP 201.03(e)). Petitioner directs attention to the remarks submitted in response to Notice to File Missing Parts which set forth that "A copy of the declaration from the parent application was available in the parent application and is attached hereto..." Finally petitioner request that the omission of the second page of the declaration be treated as a mistake under MPEP 201.03(E), since there is no change of individuals, but the wrong names were given due to omission of the second page of the declaration.

A first filed oath or declaration under 37 CFR 1.63 executed by less than all of the inventors initially identified will under 37 CFR 1.48(f)(1), determine the inventorship in an application. Applicant is therefore advised that the proper venue for correction of inventorship is 37 CFR 1.48. This rule provides for the myriad of instances where correction of the inventorship in an

application may be required, and the requirements and the requirements for a grantable petition to effect said correction.

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<sup>1</sup>

Any questions concerning this matter may be directed to the undersigned at (571) 272-0602.

  
Thurman K. Page  
Petitions Examiner  
Office of Petitions

---

<sup>1</sup> [www.uspto.gov/ebc/efs\\_help.html](http://www.uspto.gov/ebc/efs_help.html) (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

1-22-08



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY OF COMMERCE AND  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

May 7, 2008

Patent No.: 7,271,230

Applicant : Der-Jang Liaw, et. al.

Issued : September 18, 2007

For : NORBORNENE COMPOUNDS WITH CROSS-LIKKABLE GROUPS  
AND THEIR DERIVATIVES

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rules 1.322.

Respecting the alleged error the omission of inventors' names, the inventors are printed in accordance with the Declaration submitted at the time of filing the application. Therefore, not correction is in order here under Rules 1.322.

However, your attention is directed to C.F.R. 1.324, wherein a request is being made to add or delete inventor(s), after issuance of the patent

In view of the foregoing, your request is hereby denied.

Further correspondence concerning this matter should be filed and directed to Decisions and Certificates of Correction Branch.

Eva James  
For Mary F. Diggs  
Decisions & Certificates  
(703) 308-9390 ext.124 or 125

Paul C. Lewis  
8110 Gatehouse Road  
Suite 100 East, P.O. Box 747  
*Falls Church, VA 22040-0747*

*EJ.*



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

April 3, 2008

Douglas H. Goldhush  
SQUIRE, SANDERS & DEMPSEY LLP  
8000 Towers Crescent Drive, 14<sup>th</sup> Floor  
Tysons Corner, VA 22182-2700

Patent No.: 7,257,902 B2  
Application No.: 11/522,400  
Inventor(s): Wei Gao, et al.  
Issued: August 21, 2007  
Title: STAGE DEVICE

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

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

In view of the foregoing, your request, in this matter, is hereby denied.

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

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

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

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

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

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

By fax:                      (571) 273-0025  
                                  ATTN: Office of Petitions

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



Virginia Tolbert  
For Mary Diggs, Supervisor  
Decisions & Certificate of Correction Branch  
(703) 305-8309 or (703) **308-9390 ext 113**

vt



SQUIRE, SANDERS & DEMPSEY L.L.P.  
8000 TOWERS CRESCENT DRIVE  
14TH FLOOR  
VIENNA VA 22182-6212

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MAR 02 2009

**OFFICE OF PETITIONS**

In re Patent No. 7,257,902 :  
Issued: August 21, 2007 :  
Application No. 11/522,400 :  
Filed: September 18, 2006 :  
Attorney Docket Number: 58546.00033 :

**ON PETITION**

This is a decision on the petition, filed August 19, 2008, under 37 CFR 1.183 to correct the assignee's name on the front of the Patent. The petition is being treated under 37 CFR 3.81(b)<sup>1</sup>.

The petition is **GRANTED**.

Petitioner states that the name of a second assignee, was inadvertently not included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the name of the second assignee on the front page of the Letters Patent.

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

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

A request for a certification of correction was filed January 7, 2008 and was dismissed in a decision mailed August 15, 2008 since the request was not accompanied by a petition under 37 CFR 3.81 and the proper fees.

<sup>1</sup> See Official Gazette of June 22, 2004

Office assignment records reflect that TOHOKU TECHNOARCH CO., LTD is also an assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to issue.

The petition fee and the fee for the certificate of correction have been properly applied.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3212. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This file is being referred to the Certificates of Correction Branch for issuance of a certificate of correction.

A handwritten signature in cursive script that reads "Patricia Faison-Ball".

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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REED SMITH LLP  
3110 FAIRVIEW PARK DRIVE, SUITE 1400  
FALLS CHURCH, VA 22042

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**MAR 20 2007**

In re Application of :  
Ono, et al. :  
Application No. 11/522,466 : ON PETITION  
Filed: September 18, 2006 :  
Attorney Docket No.: HITA.0878 :

**OFFICE OF PETITIONS**

This is response to the petition filed October 20, 2006, which will be treated as a petition under 37 CFR 1.182, requesting that the above-identified application retain the presently accorded filing date with figures 23-24, as described in the specification, as part of the original disclosure.

The petition is **dismissed**.

On September 18, 2006, the above-identified application was filed. However, on October 16, 2006, the Office of Initial Patent Examination mailed a "Notice of Omitted Items in a Non-Provisional Application", stating that application had been accorded a filing date of September 18, 2006, and advising applicant that Figures 23-24 appeared to have been omitted.

In response, on October 20, 2006, applicant filed the present petition and maintains that the application should retain its original filing date because the application contained an incorporation by reference statement on filing that incorporated the disclosure of a prior-filed application that contained Figures 23-24.

The Notice permits applicant to either: (1) promptly establish prior receipt in the Office of the items at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted items and accept the date of such submission as the application filing date. An applicant asserting that the missing items were in fact deposited in the Office with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted items in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted items with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such omitted items and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h) requesting the later filing date within two months of the date of the Notice (37 CFR 1.181(f)).

An applicant may incorporate by reference the prior application by including in the application-as-filed, a statement that such specifically enumerated prior application or applications are hereby incorporated by reference. The statement must appear in the specification for an application filed after September 21, 2004. The inclusion of this incorporation by reference of the prior applications(s) will permit an applicant to amend the divisional or continuation application to include any subject matter in such prior application(s), without the need for a petition. See MPEP 201.06(c).

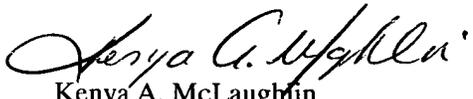
In view of the incorporation by reference of the prior application, Figures 23-24 are not new matter if they were a part of the disclosure of the prior application.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of September 18, 2006, using only the application papers present on filing. The preliminary amendment, filed October 20, 2006, requesting entry of Figures 23-24 is noted.

The petition fee will not be refunded as this petition was necessitated by the applicant's filing error, rather than an error on the part of the Office. The fee for the instant petition is \$400.00. Accordingly, deposit account 08-1480 will be charged \$270.00 for the outstanding portion of the fee due.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of September 18, 2006. Thereafter the application will be directed to the appropriate Technology Center for processing of the preliminary amendment.

Telephone inquiries concerning this decision may 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 : Aug. 22, 2008

TO SPE OF : ART UNIT 1713

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/522483 Patent No.: 7323518

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

**FOR IFW FILES:**

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

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

**FOR PAPER FILES:**

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

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

***Magdalene Talley***  
Certificates of Correction Branch  
703-308-9390 ext. 116

**Thank You For Your Assistance**

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

Note your decision on the appropriate box.

**Approved**

All changes apply.

**Approved in Part**

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

**Denied**

State the reasons for denial below.

Comments: The addition of the 3<sup>rd</sup> and 4<sup>th</sup> inventor names  
did not approve because it needs to file a petition request  
under Rule 324 as discussed in MPEP 1481.02.

SPE: Q - W4 , AU 1796



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JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK, CO 80108

**MAILED**

JUN 04 2010

**OFFICE OF PETITIONS**

NOTICE

In re Application of :  
Anita Stover et al :  
Application No. 11/522,499 :  
Filed: September 14, 2006 :  
Attorney Docket No. 1574-066 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

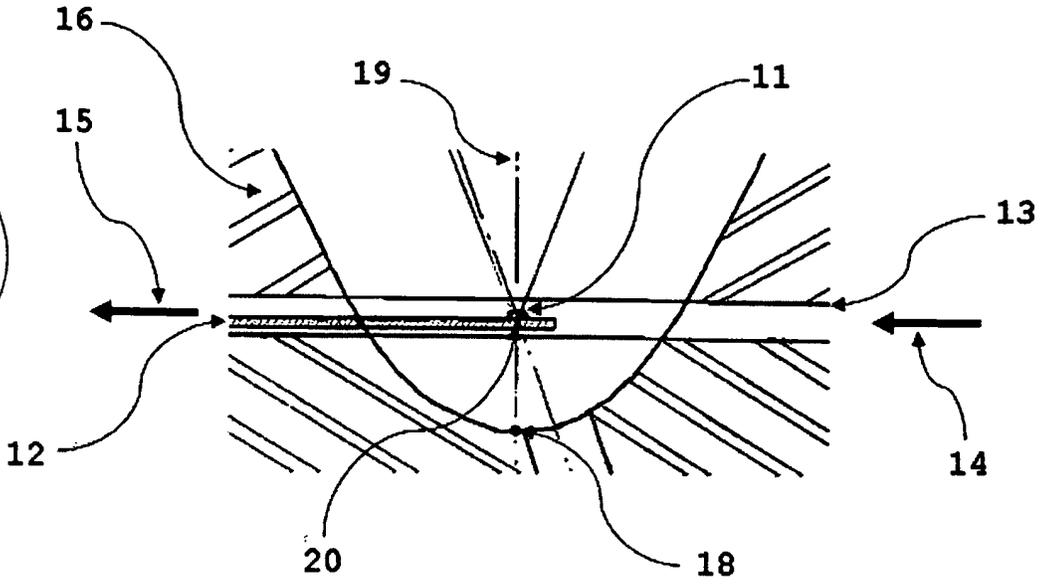


FIG 1a

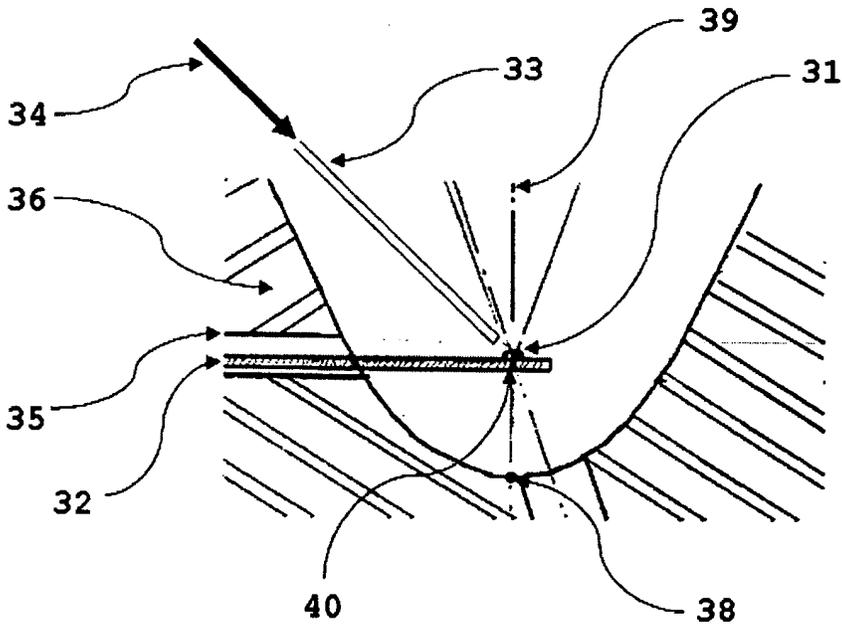


FIG 1b

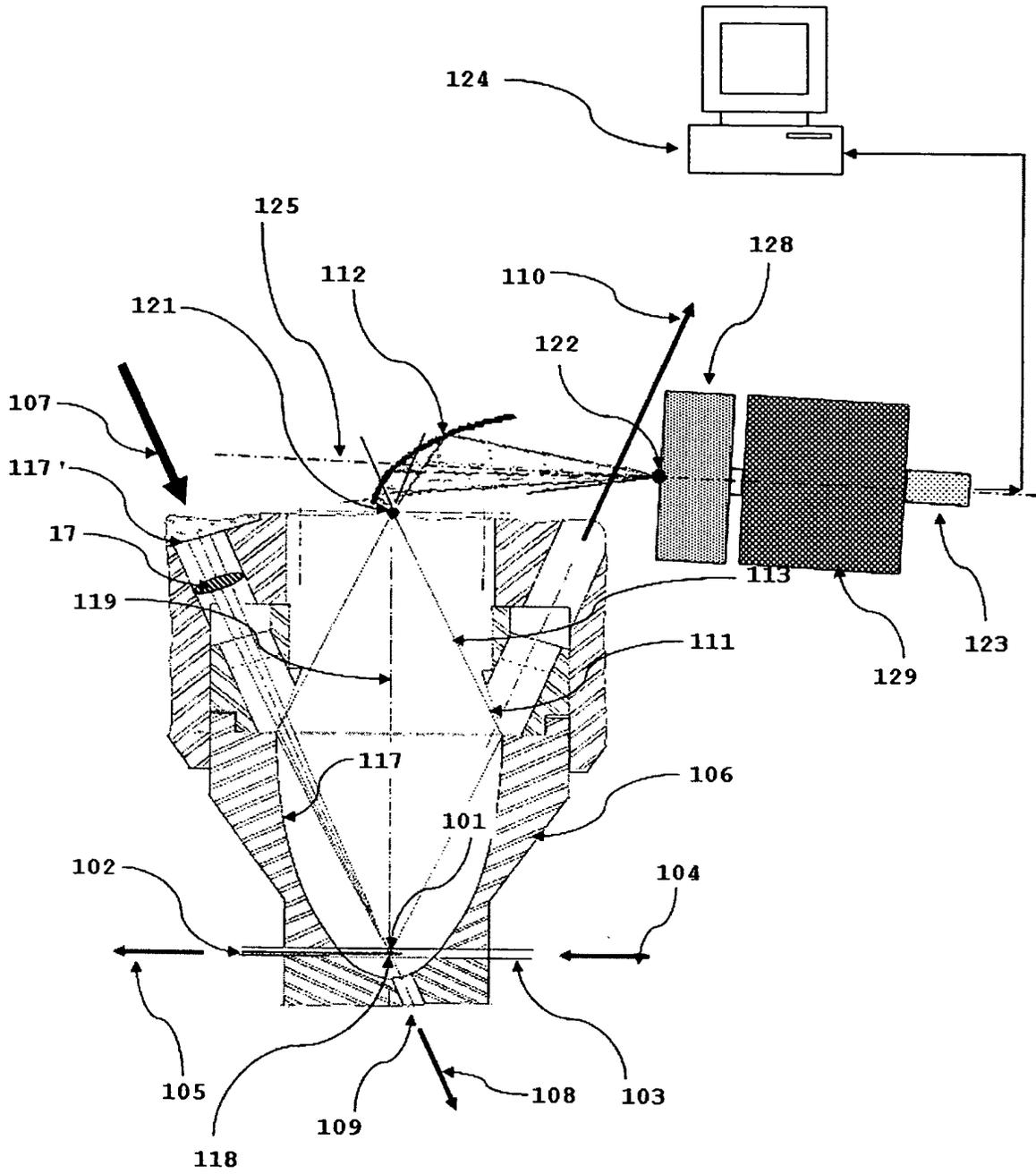


FIG 2

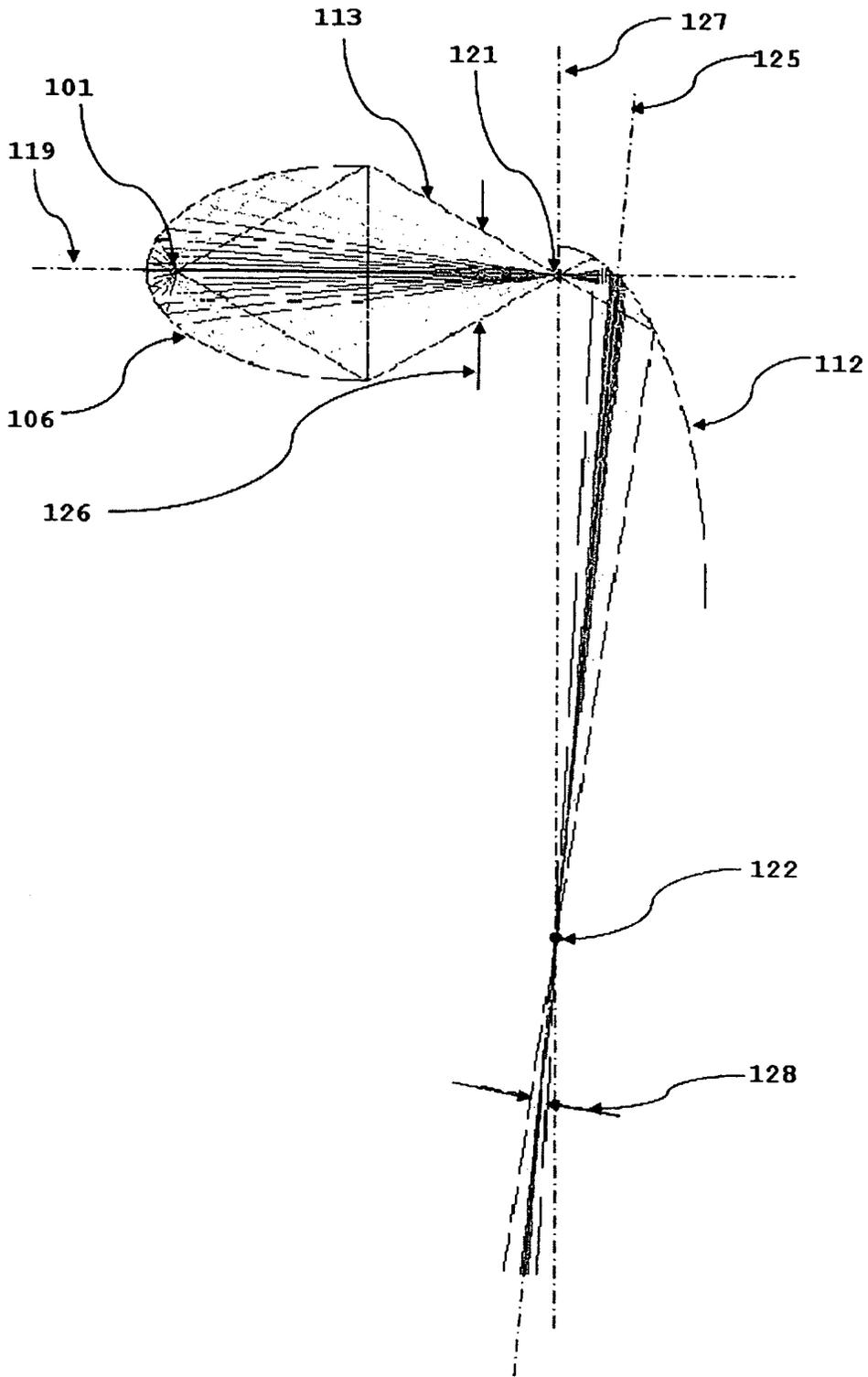


FIG 3

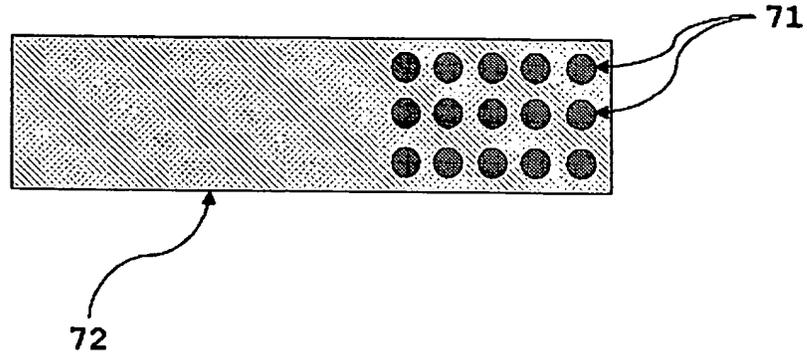


FIG 4a

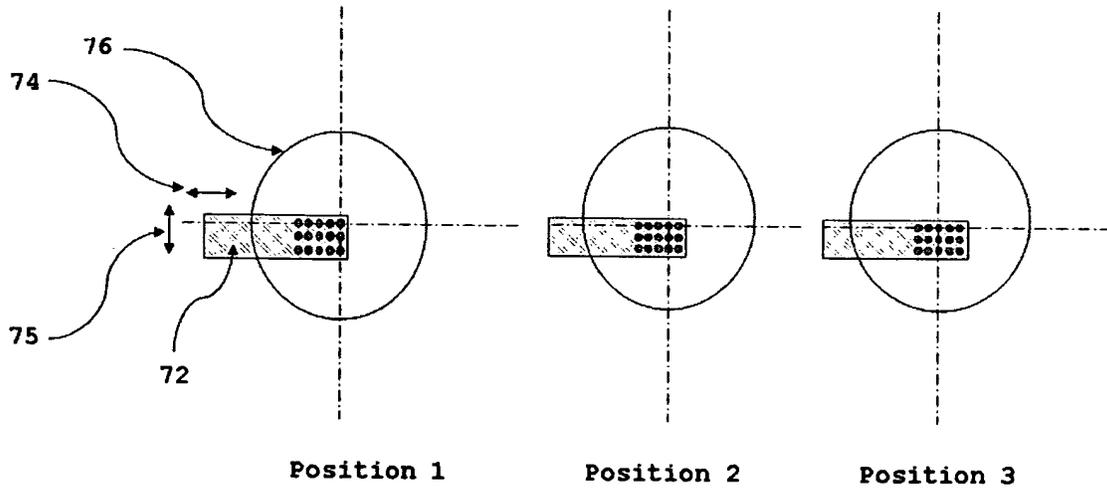


FIG 4b



Paper No.

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SUITE 800  
MINNEAPOLIS MN 55403-2420

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**JUN 28 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Todd Adams, Todd Beaupre, :  
Christopher Nardone, Mark Girard, :  
and Raymond Lareau : DECISION REFUSING STATUS  
Application No. 11/522,561 : UNDER 37 C.F.R. § 1.47(a)  
Filed: September 18, 2006 :  
Attorney Docket No. 1001.1968101 :

This is a decision on the PETITION BY JOINT INVENTOR FILING ON BEHALF OF OTHER JOINT INVENTOR WHO REFUSES TO JOIN IN APPLICATION filed January 5, 2007.

The petition under 1.47(a) is DISMISSED.

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

The above-identified application was filed on September 18, 2006, without an executed oath or declaration. Accordingly, on October 11, 2006, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)," requiring an executed oath or declaration and a surcharge for its late filing. This Notice set a two-month period for reply with extensions of time obtainable under § 1.136(a).

In response, applicants timely filed the surcharge under § 1.16(l); the instant petition under § 1.47(a) (and fee); and pages 1-4 of a declaration executed by Mark Adams, Christopher Nardone and Mark Girard, and page 3 of 4 of a declaration executed by Raymond Lareau. Further, the declaration includes an addendum in which joint inventor Chris Nardone signs on behalf of non-signing inventor Todd Beaupre.

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 (3) and (4) have been satisfied. The required petition fee of \$200 has been charged to petitioner's Deposit Account, as authorized. The petition includes a statement of the last known address of the non-signing inventor.

However, the petition is not grantable because it does not satisfy requirement (2) and thus, requirement (1).

The declaration submitted is not acceptable. It is not in compliance with 37 CFR 1.47(a) or 1.63.

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."

In addition to other requirements of law (35 U.S.C. 111(a) and 115), an application deposited in the U.S. Patent and Trademark Office pursuant to 37 CFR 1.47(a) must meet the following requirements:

- (A) 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.

See MPEP § 409.03(e).

In this instance, applicants have offered a declaration executed by only 1 of the available joint inventors on behalf of the nonsigning inventor. This is not acceptable.

Even if the declaration were properly executed, 37 CFR 1.63(b)(3) requires that the oath or declaration:

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.

The instant declaration states "material to examination."

Finally, with respect to the deficiencies in the declaration, it is permissible for the inventors to sign separate declarations. Nonetheless, as stated in MPEP 605.04(a), an oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Accordingly, applicants must submit to the Office each declaration in its entirety and not just the signature pages of some.

With respect to requirement (1), the petition includes proof that inventor Beaupre has refused to join in the application, after having been presented with the application papers. However, given the deficiencies in the declaration described above, it further cannot be concluded that inventor Beaupre's failure to sign such a declaration, even after having been presented with the application papers, constitutes refusal to join in the application. A bona fide attempt must be made to present inventor Beaupre with all of the application papers, including a proper declaration, before his failure to respond will be inferred as a refusal. The renewed petition must

include a statement of facts by a person with firsthand knowledge. This statement must also state the basis for the conclusion that inventor Beaupre refuses to join in the application.

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  
                  ATTN: NANCY JOHNSON

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

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



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions



Paper No.

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

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**DEC 31 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Todd Adams, Todd Beaupre, :  
Christopher Nardone, Mark Girard, :  
and Raymond Lareau : DECISION NOTING JOINDER  
Application No. 11/522,561 : OF INVENTOR AND PETITION  
Filed: September 18, 2006 : UNDER 37 C.F.R. § 1.47(a)  
Attorney Docket No. 1001.1968101 : DISMISSED AS MOOT

This is in response to the "REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)", filed August 31, 2007.

The petition is **DISMISSED AS MOOT**.

The above-identified application was filed on September 18, 2006, without an executed oath or declaration. In response to the "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)" mailed October 11, 2006, on January 5, 2007, applicants filed the initial petition under 37 CFR 1.47(a).

By decision mailed June 28, 2007, the petition was dismissed. The declarations submitted was not acceptable and given the deficiencies in the declaration, it was concluded that petitioner had not made an adequate showing of inventor Beaupre's refusal to join in the application.

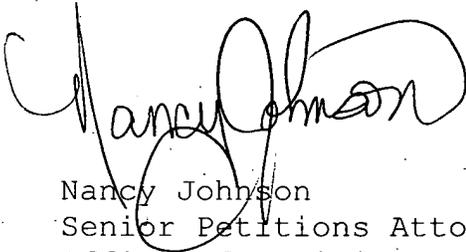
Applicants timely responded with the instant renewed petition. Therewith, applicants have submitted three complete declarations executed, in combination, by all of the joint inventors, including previously non-signing inventor Beaupre.

The declarations submitted August 31, 2007 have been reviewed and found acceptable. The deficiencies previously noted have been cured.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is not necessary and the petition is considered moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

This application will be examined in due course.

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

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is stylized with large, flowing loops and is positioned above the typed name.

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions



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**OCT 29 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Sarah Jane Mears :  
Application No. 11/522,575 :  
Filed: September 18, 2006 :  
Attorney Docket No. EL0489USDIV :

**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed June 9, 2008, to revive the above-identified application.

The application became abandoned for failure to respond to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed November 16, 2007. A Notice of Abandonment was mailed on May 29, 2008.

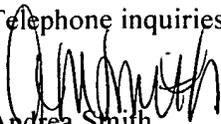
The petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Barbara C. Siegell appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party on whose behalf she acts.

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

The office acknowledges receipt of \$1,050 for a three months extension of time filed on June 9, 2008. However, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r. Pats. 1988). Accordingly, since the \$1,050 extension of time was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

This application file is being referred to Technology Center Art Unit 1796 for review of the amendment filed with the instant petition.

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

  
Andrea Smith  
Petitions Examiner  
Office of Petitions



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LEE & HAYES, PLLC  
c/o Intellevate, LLC  
P.O. BOX 52050  
MINNEAPOLIS, MN 55402

Mail Date: 08/02/2010

Applicant : Georgios Palaskas : DECISION ON REQUEST FOR  
Patent Number : 7657232 : RECALCULATION of PATENT  
Issue Date : 02/02/2010 : TERM ADJUSTMENT IN VIEW  
Application No : 11/522,599 : OF WYETH AND NOTICE OF INTENT TO  
Filed : 09/18/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **807** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



**LAW OFFICE OF ROD D. BAKER**  
**707 STATE HIGHWAY 333**  
**SUITE B**  
**TIJERAS NM 87059-7382**

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**AUG 02 2007**

**OFFICE OF PETITIONS**

In re Application of  
**BRANYAN, Jeffrey M.**  
Application No. 11/522,618  
Filed: September 18, 2006  
Attorney Docket No. **THRM1-PAT-UT01**

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

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

The request is **APPROVED**.

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

The request was signed by Rod D. Baker on behalf of all attorneys of record who are associated. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Jeffrey Branyan at the address indicated below.

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

  
Monica A. Graves  
Petitions Examiner  
Office of Petitions

cc: **JEFFREY R. BRYAN**  
**10612 GRIFFITH PARK DRIVE, NE**  
**ALBUQUERQUE, NM 87123-4855**



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S.C. JOHNSON & SON, INC.  
1525 HOWE STREET  
RACINE, WI 53403-2236

Mail Date: 04/20/2010

<b>Applicant</b>	: David C. Belongia	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7628338	: RECALCULATION of PATENT
<b>Issue Date</b>	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/522,641	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/18/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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



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

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JAN 30 2009

OFFICE OF PETITIONS

In re Application of  
Robert A. Hansen  
Application No. 11/522,666  
Filed: September 18, 2006  
Attorney Docket No. 333648US8

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DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 14, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on November 17, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

cc: OBLON. SPIVAK, MCCLELLAND,  
MAIER & NEUSTADT, PC  
1940 DUKE STREET  
ALEXANDRIA, VA 22314



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Gerald Bluhm  
Tyco Fire and Security  
50 Technology Drive  
Westminster, MA 01441

Mail Date: 04/21/2010

<b>Applicant</b>	: Mark P. Barrieau	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7619534	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/522,671	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/18/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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



INTELLECTUAL PROPERTY / TECHNOLOGY LAW  
PO BOX 14329  
RESEARCH TRIANGLE PARK NC 27709

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**JAN 16 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Stiers :  
Application No. 11/522,679 : ON PETITION  
Filed: September 18, 2006 :  
Attorney Docket No. 2771-775 :  
FOR: DRAIN CONNECTOR FOR  
SUBSTANCE PROCESSING  
RECEPTACLE

This is a decision on the petition under 37 CFR 1.10(c), filed October 12, 2006, requesting that the above-identified application be accorded a filing date of September 18, 2006. Petitioner was concerned because the return receipt postcard was stamped with a barcode listing September 19, 2006 as the date of receipt of the application.

Office records indicate that on December 20, 2006 the Office of Initial Patent Examination mailed a corrected filing receipt listing September 18, 2006 as the filing date for the above-identified application.

As the filing date is correct, the petition under 37 CFR 1.10(c) is **dismissed as moot**. No petition fee has been or will be charged.

After the mailing of this decision, the application file will be forwarded to Technology Center A.U. 3751 for examination in due course.

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

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



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GREENBERG TRAURIG (HOU)  
INTELLECTUAL PROPERTY DEPARTMENT  
1000 Louisiana Street  
Suite 1700  
Houston, TX 77002

Mail Date: 04/20/2010

<b>Applicant</b>	: Yang Xu	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7591319	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/522,693	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/18/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **278** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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GREENBERG TRAURIG (HOU)  
INTELLECTUAL PROPERTY DEPARTMENT  
1000 Louisiana Street  
Suite 1700  
Houston, TX 77002

Mail Date: 05/17/2010

<b>Applicant</b>	: Yang Xu	: NOTICE CONCERNING IMPROPER
<b>Patent Number</b>	: 7591319	: CALCULATION OF PATENT TERM
<b>Issue Date</b>	: 09/22/2009	: ADJUSTMENT BASED UPON USPTO
<b>Application No</b>	: 11/522,693	: IMPROPERLY MEASURING REDUCTION
<b>Filed</b>	: 09/18/2006	: PERIOD UNDER 37 CFR 1.704(c)(10).

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

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

The patent term adjustment has been determined to be **314** 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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SEP 14 2007

**OFFICE OF PETITIONS**

MARTIN L. MCGREGOR  
26415 OAK RIDGE DRIVE  
SPRING TX 77380

In re Application of  
Philip A. Tritico et al.  
Application No. 11/522,701  
Filed: September 8, 2006  
Attorney Docket No. 54-6-CIP

ON PETITION

This is a decision on the petition, filed August 3, 2007, under 37 CFR 1.181, to withdraw the holding of abandonment.

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

A Notice to File Missing Parts was mailed October 6, 2006 which set a two month period for response. A response was received December 11, 2006 however after the due date and thus the application became abandoned. Accordingly, a Notice of Abandonment was mailed June 8, 2007.

Petitioner argues that although the response was not received until December 11, 2006, it was timely filed on December 6, 2007. As proof, petitioner points to a certificate of mail that can be found on the transmittal, acknowledging however that due to a pagination issue, the date portion of the certificate of mail was left off. Petitioner therefore argues that the Notice of Abandonment was mailed in error.

A review of the file confirms that while the transmittal letter was signed, there is no date. However, since the transmittal letter notes, *inter alia*, that a power of attorney was included with the December 11, 2006 filing and since the power of attorney bears a certificate of mail properly signed and dated December 6, 2006, the evidence submitted supports a finding that the response to the Notice to File Missing Parts was timely filed on December 6, 2006. The Notice of Abandonment was sent in error and warrants a withdrawal of the holding of the abandonment. No petition fee is due and none has been charged.

This matter is being referred to the Office of Initial Patent Examination for consideration of the response timely filed December 6, 2006 and received December 11, 2006 and for further pre-examination processing.

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

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



ABB Inc.  
Legal Dept. - 4U6  
29801 Euclid Avenue  
Wickliffe, OH 44092-1832

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**MAR 26 2007**

In re Application of Baecker et al. :  
Application No. 11/522,709 :  
Filing Date: September 18, 2006 :  
Attorney Docket No. 05-590 US :

**OFFICE OF PETITIONS**  
Decision on Petition

This is a decision on the petition filed December 18, 2006. The petition requests, in effect, the withdrawal of the "Notice Of Omitted Item(s)" mailed October 10, 2006, to the extent the Notice states page 12 of the specification appears to be missing.

The application was filed September 18, 2006.

The Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" on October 10, 2006, stating page 12 of the application did not appear to be part of the application as filed.

The present petition indicates the abstract page was mislabeled as page 13 rather than 12. In other words, the petition states no pages were actually missing.

A review of the petition and the originally filed papers indicates the presence of specification pages numbered 1 to 11 and 13. Therefore, the "Notice Of Omitted Item(s)" mailed October 10, 2006, was correct in stating that page 12 of the specification appeared to have been omitted from the application papers. Therefore, the "Notice" was properly mailed and will not be withdrawn.

Accordingly, the petition is **dismissed**.

Since the present petition was not necessitated by any error on the part of the Office, the \$400 petition fee will not be refunded.

In the future, petitioner should note, if a Notice of Omitted Items is mailed because a page is unlabeled or mislabeled, petitioner may amend the specification to properly label the drawings and a petition is NOT necessary.<sup>1</sup>

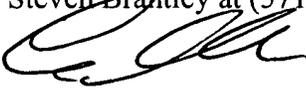
Petitioner should file a formal amendment if petitioner wishes to replace the abstract page labeled page 13.

---

<sup>1</sup> New, properly labeled pages may be entered by an examiner without petition so long as the new drawings contain no new matter. See MPEP 608.02(a). When an applicant wishes to amend the specification (by relabeling figures or otherwise) then a formal amendment must be filed rather than a petition.

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

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



Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions



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DAVID J. WILSON  
61 BELCHER CIRCLE  
MILTON MA 02186

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DEC 18 2009

OFFICE OF PETITIONS

In re Application of :  
Michael Leung :  
Application No. 11/522,719 : DECISION ON PETITION  
Filed: September 18, 2006 :  
Attorney Docket No. Leung-001 :

This is a decision on the petition, filed October 22, 2009, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of March 9, 2009, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before June 9, 2009.

Petitioner states that a timely reply was mailed via certificate of mailing on August 7, 2009, which included the following papers: an amendment including a two (2) month extension of time. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated August 7, 2009, which would render the reply timely.

A review of the file record does in fact indicate that the response filed August 7, 2009, via certificate of mailing was received by the Office.

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 March 9, 2009 is hereby withdrawn and the application restored to pending status.

This application is being referred to Technology Center AU 3644 for appropriate action in the normal course of business on the reply received with petition.

Chris Bottorff  
Petitions Examiner  
Office of Petitions



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SUITE 550  
HOUSTON TX 77056

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**OFFICE OF PETITIONS**

In re Application of	:	
Ryan Scott Rodkey, et al.	:	
Application No. 11/522,731	:	DECISION ON PETITION
Filed: September 18, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1411.011	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 18, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes copy of applicant John Frank Rodkey, Jr. drivers license. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2614 for action on the merits commensurate with this decision.

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



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
Alexandria, VA. 22313-1450  
WWW.USPTO.GOV

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7033

Date: August 15, 2007  
Application No. 11/522,771  
Filed: September 18, 2006  
Subject: **HEXAHYDRO-CYCLOHEPTAPYRAZOLE  
CANNABINOID MODULATORS**

**ON PETITION**  
37 CFR 1.48(a)

Receipt is acknowledged of the petition filed July 24, 2007 under 37 CFR 1.48(a) 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 name of an inventor was omitted through error without any deceptive intention on the part of this inventor. Accordingly, this application has been changed by the **addition of Mingde Xia, Huajun Lu, Meng Pan and Michael P. Wachter**. 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**  
United States Patent and Trademark Office  
Technology Center 1600  
SPE, ART UNIT 1626  
Remsen 5A05  
571-272-0699



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

Mail Date: 04/21/2010

<b>Applicant</b>	: Eugene A. Gregerson	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7661881	: RECALCULATION of PATENT
<b>Issue Date</b>	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/522,794	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/18/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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WESTMAN CHAMPLIN & KELLY, P.A.  
SUITE 1400  
900 SECOND AVENUE SOUTH  
MINNEAPOLIS, MN 55402

Mail Date: 04/21/2010

<b>Applicant</b>	: Chang-Dong Feng	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7640784	: RECALCULATION of PATENT
<b>Issue Date</b>	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
<b>Appliction No</b>	: 11/522,828	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/18/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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



**N. PAUL FRIEDERICHS III  
ANGENEHM LAW FIRM, LTD  
P.O. BOX 48755  
COON RAPIDS MN 55448**

**MAILED**  
**MAR 12 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
Robert A. WALKER :  
Application No. 11/522,845 : **DECISION ON PETITION**  
Filed: September 18, 2006 :  
Attorney Docket No. **B304-030-FPA** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 15, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Non-compliant Amendment (notice) mailed, October 20, 2008, which set a shortened statutory period for reply of one (1) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 21, 2008.

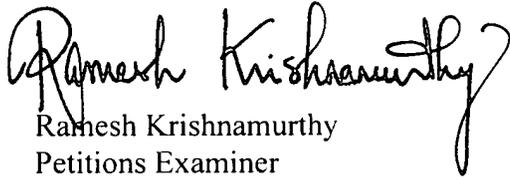
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-compliant notice mailed October 20, 2008 is accepted as having been unintentionally delayed.

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

The petition fee of \$810 has been charged to Deposit Account 50-1143 as authorized.

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

This application is being referred to Technology Center AU 1793 for appropriate action on the concurrently filed amendment.

A handwritten signature in black ink, reading "Ramesh Krishnamurthy". The signature is written in a cursive style with a large, looping initial 'R'.

Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



GROOVER & ASSOCIATES  
BOX 802889  
DALLAS, TX 75380-2889

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NOV 25 2008

In re Application of :  
Bentley N. Scott :  
Application No. 11/522,846 : DECISION ON PETITION  
Filed: September 18, 2006 : TO WITHDRAW  
Attorney Docket No. PHDS-46 : FROM RECORD  
:

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

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 practitioners have not certified that he had delivered to his client or duly authorized representative of the client all papers and property (including funds) to which the client is entitled nor have they certified that they have notified the client of any responses that may be due and the time frame within which the applicant must response. However, if practitioner cannot make all of the certifications, an explanation detailing why the certification cannot be made and must be included with the Request. It is also noted that false certification may violate a practitioners' duty under 37 CFR 10.23(b)(4) and (b)(5).

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

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

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

cc: ELIZABETH PHAM  
MUNICH CARTER, PC  
600 BANNER PLACE  
12770 COIT ROAD  
DALLAS, TX 75251



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TESSERA  
LERNER DAVID et al.  
600 SOUTH AVENUE WEST  
WESTFIELD NJ 07090

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MAY 08 2009

**OFFICE OF PETITIONS**

In re Application of:	:	
Kang et al.	:	
Application No. 11/522885	:	DECISION GRANTING
Filing or 371(c) Date: 09/18/2006	:	PETITION UNDER
Title of Invention:	:	37 CFR § 1.183
WAFER LEVEL CHIP PACKAGE AND	:	
A METHOD OF FABRICATING THEREOF	:	

This Decision is in response to the "Petition Pursuant to 37 C.F.R. § 1.183 and MPEP § 715.04," filed March 30, 2009.

The petition is **granted**.

The application as-filed identified six inventors as the inventive entity: Teck-Gyu Kang, Belgacem Haba and Guillian Gao. A nonfinal Office action was mailed on September 24, 2008. In response to the Office action, Applicant filed an Amendment and a Declaration Pursuant to 37 C.F.R. § 1.131, executed by inventors Belgacem Haba and Guillian Gao only. Applicant files the present petition and states that the inventor Teck-Gyu Kang refuses to execute the Declaration. In support of this assertion, applicant provides the Declaration of Sean Pinner, who states that a letter and a proposed draft declaration and other materials were sent to inventor Kang via Federal Express. Applicant also files a copy of a delivery record generated by Federal Express evidencing receipt of the proposed draft declaration and other materials by inventor Kang on March 17, 2009.

The MPEP 715.04, Swearing back of Reference, Affidavit or Declarant Under 37 CFR 1.131, provides in relevant part

Where one or more of the named inventors of the subject matter of the rejected claim(s) (who had originally signed the oath or declaration for patent application under 37 CFR 1.63) is now unavailable to sign an affidavit or declaration under 37 CFR 1.131, the affidavit or declaration under 37 CFR 1.131 may be signed by the remaining joint inventors provided a petition under 37 CFR 1.183 requesting waiver of the signature of the unavailable inventor be submitted with the affidavit or declaration under 37 CFR

1.131. Proof that the non-signing inventor is unavailable or cannot be found similar to the proof required for a petition under 37 CFR 1.47 must be submitted with the petition under 37 CFR 1.183 (see MPEP § 409.03(d)). Petitions under 37 CFR 1.183 are decided by the Office of Petitions (see MPEP § 1002.02(b)).

This section states that a party qualified under 37 CFR 1.42, 1.43 or 1.47 may make the affidavit when it is not possible to produce the affidavit or declaration of the inventor, and that waiver of the signature requirement of the unavailable inventor may be demonstrated by proof similar to that required in a petition under 37 CFR 1.47. In discussing waiver requirements under 37 CFR 1.183, the Office is guided by proof similar to that required when an Applicant is unavailable. In this instance, Applicant asserts that the inventors refuse to join in the Declaration.

#### Analysis and Conclusion

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). Petitioner has shown that the non-signing inventor, Teck-Gyu Kang, refuses to execute the Affidavit. Accordingly, it is concluded that petitioner has demonstrated that this is an extraordinary situation, requiring waiver of the rules.

The petition is granted. The application is being referred to Technology Center Art Unit 2894 for continued examination in the normal course of business.

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

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



JACOBSON HOLMAN PLLC  
400 SEVENTH STREET N.W.  
SUITE 600  
WASHINGTON, DC 20004

**COPY MAILED**

FEB 21 2008

**OFFICE OF PETITIONS**

In re Application of  
Keith R. Williams  
Application No. 11/522,931  
Filed: September 19, 2006  
Attorney Docket No. P7089US0

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:  
:  
:  
:  
:

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 31, 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, “applicant’s representative wish to withdraw”, does not meet any of the conditions set forth in 37 CFR 10.40.

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

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



April M. Wise  
Petitions Examiner  
Office of Petitions

cc: MR. KEITH R. WILLIAMS  
5440 WALKLEY AVENUE  
APT #14  
MONTREAL, QUEBEC H4V 2M7  
CANADA



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JACOBSON HOLMAN PLLC  
400 SEVENTH STREET N.W.  
SUITE 600  
WASHINGTON, DC 20004

**COPY MAILED**

**MAY 22 2008**

In re Application of  
Keith R. Williams  
Application No. 11/522,931  
Filed: September 19, 2006  
Attorney Docket No. P70819US0

:  
:  
: 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 Jonathan L. Scherer on behalf of all attorneys of record who are associated with this application.

All attorneys/agents associated with this application have been withdrawn.

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

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

There is an outstanding Office action mailed March 7, 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: MR. KEITH R. WILLIAMS  
5440 WALKLEY AVENUE  
APT 14  
MONTREAL QUEBEC H4V 2M7  
CANADA



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

Mail Date: 04/21/2010

<b>Applicant</b>	: Takayuki Nakao	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7652653	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/522,932	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **656** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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Shiloh et al.  
C/O INTELLEVATE , LLC  
P.O BOX 52050  
MINNEAPOLIS, MN 55402

Mail Date: 05/12/2010

**Applicant** : Rony Ashkenazi : DECISION ON REQUEST FOR  
**Patent Number** : 7620415 : RECALCULATION of PATENT  
**Issue Date** : 11/17/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/522,947 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/19/2006 : 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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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/522,957 09/19/2006 Hyung-jin Seo Q96251 4048

7590 05/26/2009
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

TRAN, THAI Q

ART UNIT PAPER NUMBER

2621

MAIL DATE DELIVERY MODE

05/26/2009

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Handwritten signature: Nomi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
05/26/2009 NFARMER 0000167314

Adjustment date: 05/26/2009 NFARMER
09/20/2006 HGUTEMA1 00000067 11522957
02 FC:1111 -500.00 OP
04 FC:1202 -50.00 OP

CHECK Refund Total: \$550.00



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/522,980 09/19/2006 Jeong-Hwan Cho 50869 4462

7590 02/18/2009
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER

WU, JINGGE

ART UNIT PAPER NUMBER

2624

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.

Handwritten signature of Mimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
02/19/2009 NFARMER 0000166191

Adjustment date: 02/19/2009 NFARMER
09/20/2006 FNETEK11 00000061 11522980
02 FC:1111 -500.00 OP

CHECK Refund Total: \$500.00



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NEUSTADT, P.C.**  
1940 DUKE STREET  
ALEXANDRIA VA 22314

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**FEB 08 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Motoo Asai :  
Application No. 11/522,999 : **DECISION GRANTING PETITION**  
Filed: September 19, 2006 : **UNDER 37 CFR 1.313(c)(2)**  
Attorney Docket No. 294794US40CONT :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 7, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

***Petitioner is advised that the issue fee paid on January 22, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

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

This application is being referred to Technology Center AU 2841 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

  
Karen Creasy  
Petitions Examiner  
Office of Petitions

---

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



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

Mail Date: 04/27/2010

Applicant : Nobuaki Matsuoka : DECISION ON REQUEST FOR  
Patent Number : 7661894 : RECALCULATION of PATENT  
Issue Date : 02/16/2010 : TERM ADJUSTMENT IN VIEW  
Application No : 11/523,015 : OF WYETH AND NOTICE OF INTENT TO  
Filed : 09/19/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **820** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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CROWELL & MORING LLP  
INTELLECTUAL PROPERTY GROUP  
P.O. BOX 14300  
WASHINGTON, DC 20044-4300

Mail Date: 07/01/2010

**Applicant** : Tadahiro Naito : DECISION ON REQUEST FOR  
**Patent Number** : 7614810 : RECALCULATION of PATENT  
**Issue Date** : 11/10/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/523,044 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/19/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **312** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



BERESKIN AND PARR  
40 KING STREET WEST  
BOX 401  
TORONTO ON M5H 3Y2 CA CANADA

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DEC 03 2008

In re Application of :  
Henrey Behmann, et al. :  
Application No. 11/523,047 : DECISION GRANTING PETITION  
Filed: September 19, 2006 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 4320-825 :

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

The petition is **GRANTED**.

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

*Petitioner is advised that the issue fee paid on November 7, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

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

This application is being referred to Technology Center AU 1797 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams  
Petitions Examiner  
Office of Petitions

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



J. John Shimazaki, PLLC  
P.O. Box 650741  
Sterling, VA 20165

**MAILED**

JUL 31 2009

In re Application of  
Enis, et al.  
Application No. 11/523,061  
Filed: September 19, 2006  
Attorney Docket No.

OFFICE OF PETITIONS  
ON PETITION

This is a decision on the petition under 37 CFR 1.78(a)(3), filed May 19, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed non-provisional application set forth in the amendment filed concurrently with the instant petition. The petition will also be treated as a petition under 37 CFR 1.78(a)(6) to accept the unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority of the prior-filed provisional application set forth in the amendment filed concurrently with the instant petition.

The petition under 37 CFR 1.78(a)(3) is **GRANTED**.

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

**TREATMENT UNDER 37 CFR 1.78(a)(3)**

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

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

It is noted that 37 CFR § 1.78(a)(3) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR § 1.78(a)(3). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

The instant non-provisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed application is submitted after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Also, the reference to the prior filed application, found in the amendment to the first page of the specification, was submitted during the pendency of the instant nonprovisional application for which the claim for benefit of priority is sought. See 35 U.S.C. § 120. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

#### **TREATMENT UNDER 37 CFR 1.78(a)(6)**

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

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

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

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

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

**Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.**

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

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

This matter is being referred to Technology Center 3600, Art Unit 3628 for further processing, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § § 120 and 119(e) to the prior-filed nonprovisional and provisional applications.



Anthony Knight  
Supervisor  
Office of Petitions

Enclosure: Corrected Filing Receipt



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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/523,061, 09/19/2006, 3628, 500, 20 2 CONFIRMATION NO. 4729

J. John Shimazaki, PLLC
P.O. Box 650741 Sterling,
VA 20165

CORRECTED FILING RECEIPT
\*OC000000037059283\*
\*OC000000037059283\*

Date Mailed: 07/23/2009

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)

Ben M. Enis, Henderson, NV; Paul Lieberman, Torrance, CA;

Power of Attorney:

J Shimazaki--37236

Domestic Priority data as claimed by applicant

This application is a CON of 10/973,276 10/27/2004 PAT 7,155,912 which claims benefit of 60/514,801 10/27/2003

Foreign Applications

If Required, Foreign Filing License Granted: 10/05/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/523,061

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No \*\* SMALL ENTITY \*\*

**Title**

Method and apparatus for storing and using energy to reduce the end-user cost of energy

**Preliminary Class**

705

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

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

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

### **LICENSE FOR FOREIGN FILING UNDER**

#### **Title 35, United States Code, Section 184**

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

#### **GRANTED**

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conditions for issuance of a license have been met, regardless of whether or not a license may be required as

page 2 of 3

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/523,101	09/19/2006	1763	650	EPD 191	8	26	3

Stanley Z. Cole  
 26620 St. Francis Road  
 Los Altos Hills, CA 94022

**CONFIRMATION NO. 5798**
**CORRECTED FILING RECEIPT**


\*OC000000021130612\*

Date Mailed: 11/06/2006

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

**Applicant(s)**

Terry Bluck, Santa Clara County, CA;  
 Kevin P. Fairbairn, Santa Clara County, CA;  
 Michael S. Barnes, Contra Costa County, CA;  
 Christopher T. Lane, Santa Clara County, CA;

**Assignment For Published Patent Application**

INTEVAC INC.

**Power of Attorney:** The patent practitioners associated with Customer Number 20027.

**Domestic Priority data as claimed by applicant**

**Foreign Applications**

If Required, Foreign Filing License Granted: 10/06/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/523,101**

Projected Publication Date: 03/20/2008

Non-Publication Request: No

Early Publication Request: No

**\*\* SMALL ENTITY \*\*****Title**

Apparatus and methods for transporting and processing substrates

**Preliminary Class**

118

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

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

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

**GRANTED**

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

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

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**NOT GRANTED**

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



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**JAN 16 2008**

**OFFICE OF PETITIONS**

KENNETH P. GLYNN  
24 MINE STREET  
FLEMINGTON, NJ 08822

In re Application of	:	
Peter N. Glynos	:	
Application No. 11/523,125	:	ON PETITION
Filed: September 19, 2006	:	
Attorney Docket No. PNG-104A	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 5, 2007, to revive the above-identified application.

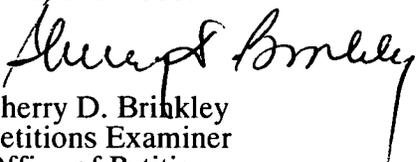
The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Corrected Application Papers mailed October 6, 2006. A Notice of Abandonment was mailed on June 8, 2007. In response, on September 5, 2007, the present petition was filed, along with replacement drawings and a petition for extension of time.

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

The application is being referred to the Office of Patent Application Processing (OPAP) for further review of the drawings filed September 5, 2007.

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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/523,137	09/19/2006	1711	1000	DR-002-US-01		18	1

**CONFIRMATION NO. 3987**

 27091  
 H.B. FULLER COMPANY  
 1200 WILLOW LAKE BLVD.  
 P.O. BOX 64683  
 ST. PAUL, MN 55164-0683

**CORRECTED FILING RECEIPT**


\*OC000000021144247\*

Date Mailed: 11/07/2006

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)**

 Jeffrey G. Schmierer, Centerville, MN;  
 Mark S. Kroll, Arden Hills, MN;  
 Richard A. Miller, White Bear Lake, MN;

**Power of Attorney:** The patent practitioners associated with Customer Number 27091.

**Domestic Priority data as claimed by applicant**
**Foreign Applications**
**If Required, Foreign Filing License Granted:** 10/05/2006

**The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is** **US11/523,137**
**Projected Publication Date:** 03/20/2008

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

High shear pressure sensitive adhesive composition

**Preliminary Class**

525

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

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---

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1.53(d). This license is not retroactive.

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**NOT GRANTED**

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MICHAEL C. POPHAL  
EVEREADY BATTERY COMPANY INC  
25225 DETROIT ROAD  
P O BOX 450777  
WESTLAKE, OH 44145

Mail Date: 06/10/2010

<b>Applicant</b>	: David Spartano	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7651239	: RECALCULATION of PATENT
<b>Issue Date</b>	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/523,149	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **207** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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LEE, HONG, DEGERMAN, KANG & SCHMADEKA  
660 S. FIGUEROA STREET, Suite 2300  
LOS ANGELES, CA 90017

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JUL 14 2008

**OFFICE OF PETITIONS**

In re Application of	:	
<b>JEON</b> , Youn Jae	:	
Application No. 11/523,155	:	DECISION GRANTING PETITION
Filed: September 18, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. <b>2060-3106C1</b>	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 8, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

*Petitioner is advised that the issue fee paid on June 3, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

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, the signature of Mr. Craig W. Schmoyer appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts in accordance with 37 CFR 1.34(a).

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

This application is being referred to Technology Center AU 2612 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.



Monica A. Graves  
Petitions Examiner  
Office of Petitions

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



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Snell & Wilmer L.L.P. (AMEX)  
ONE ARIZONA CENTER  
400 E. VAN BUREN STREET  
PHOENIX, AZ 85004-2202

Mail Date: 04/26/2010

<b>Applicant</b>	: Kazuyuki Fukuda	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7635083	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/523,186	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/19/2006	: 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.



**KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK, NY 10004**

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SEP 14 2007

In re Application of  
**WITT, Peter D. et al.**  
Application No. 11/523,188  
Filed: September 18, 2006  
Attorney Docket No. **13559/49**

**OFFICE OF PETITIONS**

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 06, 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, (no longer representing the applicants), does not meet any the conditions set forth in 37 CFR 10.40.

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

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

Terri Williams  
Petitions Examiner  
Office of Petitions

cc: **MR.SAMUEL HIGGINS  
AXIAL VECTOR ENGINE CORPORATION  
ONE TRADE CENTER  
121 SW SALMON STREET, SUITE 1100  
PORTLAND, OR 97204**



**KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK, NY 10004**

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**NOV 13 2007**

**OFFICE OF PETITIONS**

In re Application of  
**WITT, Peter D., et al.**  
Application No. 11/523,188  
Filed: September 18, 2006  
Attorney Docket No. 13559/49

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.136(b), filed October 10, 2007.

The request is **APPROVED**.

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

The request was signed by Clifford A. Ulrich on behalf of all attorneys of record who are associated with customer No. 26646. 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  
Petitions Examiner  
Office of Petitions

cc: **PETER D. WITT  
11 REGINA CT.  
NESCONSETT, NEW YORK 11767**

cc: **MR. SAMUEL HIGGINS  
AXIAL VECTOR ENGINE CORPORATION  
ONE TRADE CENTER  
121 SW SALMON STREET, SUITE 1100  
PORTLAND, OR 97204**



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TYCO HEALTHCARE GROUP LP  
15 HAMPSHIRE STREET  
MANSFIELD, MA 02048

Mail Date: 04/21/2010

**Applicant** : John C. Japuntich : DECISION ON REQUEST FOR  
**Patent Number** : 7596844 : RECALCULATION of PATENT  
**Issue Date** : 10/06/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/523,211 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/19/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **290** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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**JUL 17 2008**

**OFFICE OF PETITIONS**

**BROUSE MCDOWELL LPA  
388 SOUTH MAIN STREET  
SUITE 500  
AKRON OH 44311**

In re Application of :

**LECAT, Paul Jacques Charles** :

Application No. 11/523,224 :

Filed: September 19, 2006 :

Attorney Docket No. **22904.44358** :

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 09, 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 Heather Barnes on behalf of all attorneys of record who are associated with customer No. 26781. All attorneys/agents associated with the Customer Number 26781 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 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: **PAUL JACQUES CHARLES LECAT  
1098 MAPLE STREET  
TALLMADGE, OH 44278**

cc: **EMERSON, THOMSON & BENNETT  
777 WEST MARKET STREET  
AKRON, OH 44303**



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BECK AND TYSVER P.L.L.C.  
2900 THOMAS AVENUE SOUTH  
SUITE 100  
MINNEAPOLIS, MN 55416

Mail Date: 04/21/2010

**Applicant** : Lawrence J. Lukis : DECISION ON REQUEST FOR  
**Patent Number** : 7574339 : RECALCULATION of PATENT  
**Issue Date** : 08/11/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/523,232 : OF WYETH  
**Filed** : 09/19/2006 :  
:  
:

The Patentee's Request for Recalculation is **DISMISSED**.

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b) (2) (A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b) (4) (A) concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

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

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



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BECK AND TYSVER P.L.L.C.  
2900 THOMAS AVENUE SOUTH  
SUITE 100  
MINNEAPOLIS, MN 55416

Mail Date: 05/18/2010

**Applicant** : Lawrence J. Lukis : NOTICE CONCERNING IMPROPER  
**Patent Number** : 7574339 : DISMISSAL OF THE REQUEST  
**Issue Date** : 08/11/2009 : FOR RECALCULATION OF  
**Application No** : 11/523,232 : PATENT TERM ADJUSTMENT  
**Filed** : 09/19/2006 : IN VIEW OF WYETH

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO mistakenly dismissed a small number of requests as ineligible. The dismissals involve requests that were filed on February 9-12, 2010, for patents that were granted on August 11, 2009. Any request that was filed on February 8, 2010 was properly deemed eligible for patent term adjustment (PTA) and was recalculated.

Patents meeting the above criteria were eligible because the USPTO was closed February 8-11, 2010, due to a snowstorm. See Closing of the United States Patent and Trademark Office from Monday February 8, 2010, through Thursday, February 11, 2010, 1352 *Off. Gaz. Pat. Office* 146 (March 16, 2010). The Office considered each day from Monday, February 8, 2010, through Thursday, February 11, 2010, to be a "Federal holiday within the District of Columbia" under 35 U.S.C. § 21(b) and 37 CFR 1.6, 1.7, 1.9, 2.2(d), 2.195 and 2.196. Any actions that were due from Monday, February 8, 2010, through Thursday, February 11, 2010, (or the preceding Saturday (February 6, 2010) or Sunday (February 7, 2010)) will be considered timely if the action was taken on the next succeeding business day on which the USPTO was open, which was February 12, 2010.

This notice **VACATES** the previous mailed decision in the patented file that deemed patentee ineligible for the request for recalculation. Patentee's request for recalculation is GRANTED.

The patent term adjustment has been determined to be **251** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate 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).



DANIELS PATENT LAW PLLC  
43 CENTRE STREET  
CONCORD, NH 03301

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JUN 01 2009

**OFFICE OF PETITIONS**

In re Application of	:	
Thomas Edward COE	:	
Application No. 11/523,239	:	DECISION ON PETITION
Filed: September 19, 2005	:	TO WITHDRAW
Attorney Docket No. COETHO-P03AUS	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 18, 2008.

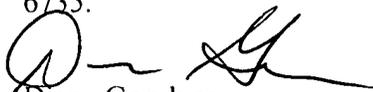
The request is **NOT APPROVED**.

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).

Attorney Anthony G. M. Davis was originally appointed, however, is not included in the withdrawal request. Since the status of Anthony G. M. Davis cannot be determined, the request cannot be granted.

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

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

A handwritten signature in black ink, appearing to read 'Diane Goodwyn', written over a horizontal line.

Diane Goodwyn  
Petitions Examiner  
Office of Petitions

cc: DAVIS & BUJOLD, P.L.L.C.  
112 PLEASANT STREET  
CONCORD, NH 03301



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

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**JAN 22 2007**

In re Application of :  
Vodyanoy et al. :  
Application No. 11/523,250 : ON PETITION  
Deposited: September 19, 2006 :  
Attorney Docket No.: 5171-00052 :  
Title of Invention: Method of :  
Isolation and self-Assembly of :  
Small protein Particles From Blood :  
and Other Biological Materials :

**OFFICE OF PETITIONS**

This is a decision on the Petition for Filing Date filed October 27, 2006, requesting that the above-identified application be accorded the filing date of September 19, 2006.

Application papers in the above-identified application were deposited on September 19, 2006. However, on October 16, 2006, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application", notifying applicant that the application papers had not been accorded a filing date because the application was deposited without drawings.<sup>1</sup>

In response, 7 sheets of drawings and the present petition were filed on October 27, 2006. The petition contends that the application as filed included 7 sheets of drawings and were described in the original filed specification. In support, the petition is accompanied by a copy of applicants' postcard receipt which acknowledges receipt in the office of "Drawings Informal No. Of Sheets 7" on September 19, 2006.

Applicants' postcard receipt is prima facie<sup>2</sup> evidence that drawings were received on September 19, 2006, but no drawings are present in the file. Hence, it is clear that the papers for this

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<sup>1</sup>See 35 U.S.C. 111(a)(4)

<sup>2</sup>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. See MPEP 503.

present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that 7 sheets of drawings were received on September 19, 2006, as shown in counsel's file, and later misplaced in the Office.

The petition is Granted. The petition fee will be refunded.

Since the original drawings cannot be located in the Office, the copy of the drawings supplied on October 27, 2006, will be used for processing and examination purposes.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of September 19, 2006, using the 7 sheets of drawings supplied on October 27, 2006.

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



Charlema R. Grant  
Petitions Attorney  
Office of Petitions



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BAKER, DONELSON,  
BEARMAN, CALDWELL &  
BERKOWITZ  
SIX CONCOURSE PARKWAY  
SUITE 3100  
ATLANTA GA 30328

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JAN 22 2008

OFFICE OF PETITIONS

In re Application of

Kwong, et al.

Application No. 11/523,260

Filed: September 19, 2006

Attorney Docket No. 2170687-000047

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 15, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed November 6, 2006, which set a shortened statutory period for reply of three (3) months. No extension of time pursuant to 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on February 7, 2007. A Notice of Abandonment was mailed on August 8, 2007.

The amendment filed August 15, 2007, is noted and made of record.

The application is being forwarded to Technology Center 2800, GAU 2875 for further processing.

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

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



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TYCO HEALTHCARE GROUP LP  
15 HAMPSHIRE STREET  
MANSFIELD, MA 02048

Mail Date: 04/21/2010

**Applicant** : Mark Brian Finnestad : DECISION ON REQUEST FOR  
**Patent Number** : 7600638 : RECALCULATION of PATENT  
**Issue Date** : 10/13/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/523,267 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/19/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **314** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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Casimir Jones, S.C.  
2275 DEMING WAY, SUITE 310  
MIDDLETON, WI 53562

Mail Date: 04/21/2010

Applicant : John K. Fink : DECISION ON REQUEST FOR  
Patent Number : 7649088 : RECALCULATION of PATENT  
Issue Date : 01/19/2010 : TERM ADJUSTMENT IN VIEW  
Application No : 11/523,305 : OF WYETH AND NOTICE OF INTENT TO  
Filed : 09/19/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **107** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

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**OFFICE OF PETITIONS**

In re Application of  
Masaru Aoki  
Application No. 11/523,311  
Filed: September 15, 2006  
Attorney Docket No. ALPSP270

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 13, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Beyer Weaver, LLP has been revoked by the assignee of the patent application on May 1, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

  
April M. Wise  
Petitions Examiner  
Office of Petitions

cc: BEYER LAW GROUP, LLP  
PO BOX 1687  
CUPERTINO, CA 95015-1687



Edwards Angell Palmer & Dodge, LLP  
P.O. Box 55874  
Boston, MA 02205

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**MAY 20 2008**

**OFFICE OF PETITIONS**

In re Application of  
Lin-Wei Chang et al.  
Application No. 11/523,314  
Filed: September 18, 2006  
Attorney Docket No. PUS-M001-003

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 15, 2007.

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

A review of the file record indicates that the power of attorney to John Moeteli and all attorneys/agents of record has been revoked by the assignee of the patent application on November 15, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

*Kimberly Inabinet*  
Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Jianq Chyun Intellectual Property Office  
7 Floor - 1, No. 100  
Roosevelt Road, Section 2  
Taipei 100 TW Taiwan

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

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

DATE : 2/25/09

TO SPE OF : ART UNIT 2618

SUBJECT : Request for Certificate of Correction for Appl. No.: 11523332 Patent No.: 7379725 B2

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

**FOR IFW FILES:**

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

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

**FOR PAPER FILES:**

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

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

**You can fax the Director's/SPE response to 671-270-9990**

**LAMONTE NEWSOME**  
Certificates of Correction Branch  
703-308-9390 ext. 112

**Thank You For Your Assistance**

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

Note your decision on the appropriate box.

**Approved**

All changes apply.

**Approved in Part**

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

**Denied**

State the reasons for denial below.

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

News to News

3/18/09



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LAW OFFICE OF MICHELE HOLDEN  
212 N. 4<sup>TH</sup> STREET, SUITE 7  
KINGMAN, AZ 86401

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MAR 31 2008

In re Application of	:	
<b>LEAVITT</b> , Robert R.	:	
Application No. 11/523,334	:	DECISION ON PETITION
Filed: September 19, 2006	:	TO WITHDRAW
Attorney Docket No. <b>LEAV-01</b>	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 15, 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: **HEAVY LEAVY, LLC**  
**P.O. BOX 1433**  
**DOLAN SPRINGS, AZ 86441**



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D1W Oct-07

Ryan Galloway  
1526 Pershing Drive  
Apt. A  
San Francisco CA 94129

**COPY MAILED**

**OCT 31 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Ryan Galloway : DECISION ON PETITION TO  
Application No. 11/523,340 : WITHDRAW HOLDING OF  
Filed: 09/19/2006 : ABANDONMENT  
For: METHOD AND SYSTEM FOR :  
ADVERTISING AND MANAGING ONE OR :  
MORE VACATION RENTAL PROPERTIES :  
WORLDWIDE VIA A NETWORK :

This is a decision on the petition filed on July 11, 2007, to withdraw the holding of abandonment in the above-identified application.

The petition is GRANTED.

The application was held abandoned for failure to timely respond to the Notice to File Corrected Application Papers (Notice) mailed on October 11, 2006, which set a two (2) month extendable period for reply. The Office mailed a Notice of Abandonment on June 12, 2007.

Petitioner, acting *pro se*, asserted he did not receive the Notice of October 11, 2006.

In the absence of any irregularity in the mailing of the Notice, there is a strong presumption that the Office properly mailed the Notice to petitioner at the address of record. Petitioner may overcome this presumption by showing that petitioner did not in fact receive the Notice. The showing required to establish the failure to receive an Office communication must include a statement from the petitioner stating that the Office communication was not received by petitioner and attesting to the

fact that a search of petitioner's records indicates that petitioner did not receive the communication. A copy of the record where the non-received Notice would have been entered had it been received and docketed must be attached to and referenced in petitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c). The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Notice may have been lost after receipt rather than a conclusion that the Notice was lost in the mail.

A review of the record indicates that the Office properly mailed the Notice to petitioner at the correspondence address of record at the time of mailing. Thus, there was no irregularity in mailing the Notice on the part of the United States Patent and Trademark Office.

In support of the petition, petitioner, a pro se applicant, explained the manner in which he receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter. Petitioner described his system for keeping track of patent matters and stated that a search of location where he keeps Office communication revealed that he did not receive the Notice. Lastly, petitioner asserted that he resided at the correspondence address of record for a reasonable time after October 11, 2006, the period when he would have received the Notice.

Petitioner has made a sufficient showing of non-receipt of the Notice. Accordingly, the petition is GRANTED. The holding of abandonment is hereby withdrawn. The application is restored to pending status.

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

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

*Christina Tartera Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions



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

Mail Date: 04/28/2010

<b>Applicant</b>	: Rohit Kaul	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7668822	: RECALCULATION of PATENT
<b>Issue Date</b>	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/523,361	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/18/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **226** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

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SEP 25 2008

**OFFICE OF PETITIONS**

In re Application of :  
Michael Maschke :  
Application No. 11/523365 : DECISION ON PETITION  
Filed: 09/19/2006 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No. 2005P11114US :

This is a decision on the "PETITION TO ACCEPT UNINTENTIONALLY DELAYED PRIORITY CLAIM," filed on March 11, 2008, which is treated as a petition under 37 CFR 1.78(a)(3), to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

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

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

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

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

The petition fee of \$1,410.00 will be charged to counsel's deposit account, as authorized in the subject petition.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3732 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.



Anthony Knight  
Supervisor  
Office of Petitions

**ATTACHMENT:** Corrected Filing Receipt



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/523,365, 09/19/2006, 3732, 1130, 2005P11114US, 20, 3

CONFIRMATION NO. 6436

CORRECTED FILING RECEIPT



22116
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Date Mailed: 09/24/2008

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)

Michael Maschke, Lonnerstadt, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number 22116

Domestic Priority data as claimed by applicant

This application is a CIP of 11/058,655 02/15/2005

Foreign Applications

GERMANY 10 2005 044 889.5 09/20/2005

If Required, Foreign Filing License Granted: 10/10/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/523,365

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

Dental examination and treatment tool

**Preliminary Class**

433

**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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APR 29 2010

Stoneman Volk Patent Group  
P.O. Box 40070  
Phoenix, AZ 85067-0070

In re Application of :  
DALAL : DECISION ON PETITION  
Application No. 11/523,368 : TO WITHDRAW  
Filed: September 18, 2006 : RESTRICTION REQUIREMENT  
For: FINANCIAL DECISION SYSTEMS : UNDER 37 CFR 1.144

This is a decision on applicant's petition under 37 CFR 1.144 (hereinafter as the 1.144 petition) which was filed April 6, 2009 requesting withdrawal of a restriction requirement made final in an Office action dated November 13, 2008, and a second petition under 37 CFR 1.1003(a) (hereinafter as the 1.103(a) petition) filed also on April 6, 2009 requesting suspension of prosecution while the Director decides on the 1.144 petition.

The petitions are **DISMISSED as moot**.

Applicant argues in the 1.144 petition that the restriction requirement was improper because inventions I, II and III are not independent and distinct because they have the same classification, and the examiner failed to follow the guidelines of MPEP 808.02 to show serious burden if he has to examine all of the claims of inventions I, II and III. Applicant asserts in the 1.103 petition that the suspension is necessary to avoid unfairly prejudicing the rights of applicant by taking further action on the merits and for a more efficient examination of the application.

A review of the record shows that in the Office action mailed on August 19, 2008, the examiner required a restriction between invention I of claims 1-16 directed to a system for assisting decision making by a trader, invention II of claims 17-46 directed to a computer system which assists in the trading of securities, invention III of claims 47-49 directed to a decision making system for identifying trading trends, invention IV of claims 50-67 directed to a teaching aid for trading, and invention V of claim 68 directed to a kit system related to trading. Applicant filed a response on September 24, 2008 provisionally electing with traverse invention I of claims 1-16. The examiner, upon reconsideration, adhered to the restriction requirement and made the requirement final in an Office action mailed on April 6, 2009. This petition was then timely filed by applicant. Subsequently, on May 27, 2009, the applicant filed a request to withdraw the petition under 37 CFR 1.144 after reaching an agreement with the examiner that claims 1-16 and 32-46 will be grouped and examined together in the next Office action. In addition, on July 8, 2009, Applicant filed a request to withdraw the 1.144 petition, and the 1.103(a) petition, and a

refund of the \$200 petition fee related to the 1.103(a) petition. Therefore, both petitions are dismissed the issues raised in both petitions are now moot. The petition fee will not be refunded as it is required for the 1.103(a) petition.

Any questions regarding this decision should be directed to Supervisory Patent Examiner Alexander Kalinowski at (571) 272-6771.



---

Wynn Coggins, Director  
Technology Center 3600  
571-272-5350

ak/lm: 3/26/10

LM



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Values: 11/523,430, 09/18/2006, James M. Reuter, 200506712-1, 5732

7590 04/22/2008
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
FLYNN, NATHAN J

ART UNIT PAPER NUMBER
2154

NOTIFICATION DATE DELIVERY MODE
04/22/2008 ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

- 1. [ ] The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. [x] The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. [ ] The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. [ ] The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Handwritten signature: Kyra T...
Patent Publication Branch
Office of Data Management



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Values: 11/523,430, 09/18/2006, James M. Reuter, 200506712-1, 5732

7590 05/08/2008
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

FLYNN, NATHAN J

ART UNIT PAPER NUMBER

2154

NOTIFICATION DATE DELIVERY MODE

05/08/2008

ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Handwritten signature of Nimi Sarmes
Patent Publication Branch
Office of Data Management

Adjustment date: 05/16/2008 NFARMER
09/21/2006 SSITH1B1 00000020 002025 11523430
02 FC:1111 500.00 CR



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MHKKG/Oracle (Sun)  
P.O. BOX 398  
AUSTIN, TX 78767

Mail Date: 04/20/2010

**Applicant** : Chien Ouyang : DECISION ON REQUEST FOR  
**Patent Number** : 7672129 : RECALCULATION of PATENT  
**Issue Date** : 03/02/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/523,435 : OF WYETH  
**Filed** : 09/19/2006 :  
:  
:

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.



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

**COPY MAILED**

MAR 28 2007

In re Application of  
Chad McAlexander, Clay Fette, Jason Hodde  
and Matthew Graham  
Application No. 11/523,450  
Filed: September 19, 2006  
Attorney Docket No. 3433-798  
Title of Invention: Medical Graft Products with  
Differing Regions and Methods and Systems for  
Producing the Same

**OFFICE OF PETITIONS**  
**DECISION GRANTING STATUS**  
**UNDER 37 CFR 1.47(A)**

This is in response to the petition under 37 CFR 1.47(a) filed February 16, 2007.

The petition is GRANTED.

Petitioner has shown that non-signing inventor Fette 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  
Petitions Attorney  
Office of Petitions



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www.uspto.gov

Clay Fette  
12333 Acapulco Avenue  
Palm Beach Gardens, FL 33410

In re Application of  
Chad McAlexander, Clay Fette, Jason Hodde  
and Matthew Graham  
Application No. 11/523,450  
Filed: September 19, 2006  
Attorney Docket No. 3433-798  
Title of Invention: Medical Graft Products with  
Differing Regions and Methods and Systems  
for Producing the Same

LETTER

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MAR 28 2007

**OFFICE OF PETITIONS**

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 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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

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

Charlema R. Grant  
Petitions Attorney  
Office of Petitions

WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP  
111 MONUMENT CIRCLE, SUITE 3700  
INDIANAPOLIS IN 46204-5137  
ATTN: Kenneth A. Gandy



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MARSHALL GERSTEIN & BORUN LLP  
233 S. WACKER DRIVE, SUITE 6300  
SEARS TOWER  
CHICAGO, IL 60606

**COPY MAILED**

MAR 13 2008

**OFFICE OF PETITIONS**

In re Application of :  
Raksh Vir Jasra :  
Application No. 11/523,455 :  
Filed: September 19, 2006 :  
Attorney Docket No. 30853/42341 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 23, 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 non-final Office action mailed December 8, 2006, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 9, 2007.

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

This matter is being referred to Technology Center AU 1621 for further processing.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



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

Mail Date: 04/21/2010

<b>Applicant</b>	: Kyong-Ha Park	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7640134	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/523,458	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/18/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **733** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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Douglas A. Yerkeson  
Baker & Daniels LLP  
300 North Meridian Street  
Suite 2700  
Indianapolis, IN 46204

Mail Date: 04/20/2010

**Applicant** : Michael Scot Rosko : DECISION ON REQUEST FOR  
**Patent Number** : 7628173 : RECALCULATION of PATENT  
**Issue Date** : 12/08/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/523,460 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/19/2006 : 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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TYCO HEALTHCARE GROUP LP  
15 HAMPSHIRE STREET  
MANSFIELD, MA 02048

Mail Date: 04/21/2010

**Applicant** : John Japuntich : DECISION ON REQUEST FOR  
**Patent Number** : 7600639 : RECALCULATION of PATENT  
**Issue Date** : 10/13/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/523,505 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/19/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **322** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



MERCK AND CO., INC  
P O BOX 2000  
RAHWAY, NJ 07065-0907

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**APR 05 2007**

**OFFICE OF PETITIONS**

In re Application of Brady et al. :  
Application No. 11/523,507 : Decision on Petition  
Filing Date: September 19, 2006 :  
Attorney Docket No. 20886YPDA :

This is a decision in response to a paper filed December 18, 2006, which is being treated as a petition to accord the above-identified application a filing date of September 19, 2006.

The petition is **granted**.

The application was filed on September 19, 2006.

On October 18, 2006, the Office of Initial Patent Examination mailed a Notice stating in part that drawings were not present and that a filing date had not been accorded and the filing date would be the date of receipt of the drawings.

The response to the Notice includes a page stating drawings are not necessary for the understanding of the subject matter sought to be patented within the meaning of 35 USC 113. The response also included other a sequence listing and other items required by the prior Notice.

A second Notice of Incomplete Application was mailed March 13, 2007.

MPEP 601.01(f) states that:

It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

This application contains disclosure directed to a process or method. Therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g). In other words, the Office should have mailed a "Notice of Omitted Item(s)" indicating drawings were missing but a filing date had been accorded, rather than a "Notice of Incomplete Application."

The Notices mailed October 18, 2006, and March 13, 2007, are hereby vacated to the extent they indicate the application is not entitled to a filing date.

During examination, if the examiner determines drawings are necessary under 35 USC 113, he may reconsider the filing date issue and have the Office of Initial Patent Examination (OIPE) mail a Notice of Incomplete Application. See MPEP 601.01(f).

The petition fee of \$400 has not been charged to petitioner's deposit account.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of September 19, 2006, using the application papers filed on September 19, 2006.

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



Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions



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CHA & REITER, LLC  
210 ROUTE 4 EAST STE 103  
PARAMUS, NJ 07652

Mail Date: 04/21/2010

Applicant : Woo-Jun Choi : DECISION ON REQUEST FOR  
Patent Number : 7603622 : RECALCULATION of PATENT  
Issue Date : 10/13/2009 : TERM ADJUSTMENT IN VIEW  
Application No : 11/523,511 : OF WYETH AND NOTICE OF INTENT TO  
Filed : 09/19/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **277** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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**SCHERING-PLOUGH CORPORATION  
PATENT DEPARTMENT (K-6-1, 1990)  
2000 GALLOPING HILL ROAD  
KENILWORTH NJ 07033-0530**

**MAILED**

**JUL 28 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Scott W. Altmann et al :  
Application No. 11/523,512 : **DECISION ON PETITION**  
Filed: September 19, 2006 :  
Attorney Docket No. JB01603K3B :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 8, 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 a response/election; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Restriction Requirement mailed November 14, 2008, is accepted as having been unintentionally delayed.

As to the reimbursement of the petition fee, petitioner is encouraged to note MPEP 711.03 (c) which states that:

[T]he petition fee is required for the filing (and not merely the grant) of a petition under 37 CFR 1.137. See H.R. Rep. No. 542, 97<sup>th</sup> 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 CFR 1.17(1) or 1.17(m), regardless of whether the petition under 37 CFR 1.137 is dismissed or denied; and (B) will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.

In view of the above, the petition fee of \$1,620.00 is being charged to account no. 19-0365 as authorized.

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

This application is being referred to Technology Center AU 1656 for appropriate action by the Examiner in the normal course of business on the reply received June 8, 2009.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/523,545	09/20/2006	Ken-Ching Chen	MR1111-1483	6184

7590 09/04/2008  
ROSENBERG, KLEIN & LEE  
3458 ELLICOTT CENTER DRIVE-SUITE 101  
ELLICOTT CITY, MD 21043

EXAMINER

MARSH, STEVEN M

ART UNIT	PAPER NUMBER
3632	

MAIL DATE	DELIVERY MODE
09/04/2008	PAPER

**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**

*The declaration of express abandonment is recognized*

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

The petition is granted.

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

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

Patent Publication Branch  
Office of Data Management

Adjustment date: 09/04/2008 BPOWELL  
09/21/2006 NNGUYEN1 00000020 11523545  
02 FC:2111 -250.00 OP

Adjustment Date: 09/04/2008 BPOWELL  
07/29/2008 AGDITON 00000017 051323 11838565  
02 FC:1111 500.00 CR

Repln. Ref: 09/04/2008 BPOWELL 0011520000  
DA#:182011 Name/Number:11523545  
FC: 9204 \$250.00 CR



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BANNER & WITCOFF, LTD.  
ATTORNEYS FOR CLIENT NO. 016689  
1100 13th STREET, N.W.  
SUITE 1200  
WASHINGTON, DC 20005-4051

Mail Date: 04/21/2010

<b>Applicant</b>	: Shougo Sato	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7634218	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/523,569	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/20/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **514** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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STEPTOE & JOHNSON LLP  
1330 CONNECTICUT AVE., NW  
WASHINGTON, DC 20036

Mail Date: 04/21/2010

<b>Applicant</b>	: Yoshiki Takayama	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7646428	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/523,588	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/20/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **535** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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**MAIL**

**MAR 21 2008**

**DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600**

HARNES, DICKEY & PIERCE, P.L.C.  
P.O. BOX 8910  
RESTON VA 20195

In re Application of	:	
JEON, BYEONG MOON	:	DECISION ON REQUEST TO
Application No. 11/523,598	:	PARTICIPATE IN PATENT
Filed: September 20, 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. 6111-2/US/DVD	:	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 March 14, 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:

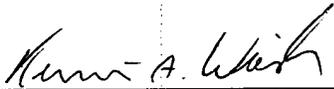
- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/523,598	09/20/2006	Byeong Moon Jeon	6111-000002/US/DVD	6134

30593                      7590                      06/10/2010  
HARNES, DICKEY & PIERCE, P.L.C.  
P.O. BOX 8910  
RESTON, VA 20195

EXAMINER
----------

HALLENBECK-HUBER, JEREMIAH CHARLES

ART UNIT	PAPER NUMBER
----------	--------------

2621

MAIL DATE	DELIVERY MODE
-----------	---------------

06/10/2010

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.



MAIL

JUN 14 2010

DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. BOX 8910  
RESTON VA 20195

In re Application of  
JEON, BYEONG MOON  
Application No. 11/523,598  
Filed: September 20, 2006  
For: **METHOD OF DETERMINING MOTION  
VECTORS FOR A BI-PREDICTIVE IMAGE  
BLOCK**

:  
:  
:  
:  
:  
DECISION ON REQUEST

This is a decision on the request for continued suspension of action under 37 C.F.R. § 1.103(a) filed March 24, 2010.

Applicants request a second period of suspension for 6 months. The reason for the request is the Applicants have not received a decision in the appeal for Application No. 10/337,611. As stated in Applicants' previous Petition to Suspend, The claims in the above-identified application include at least one feature commensurate in scope with at least one feature claimed in the patent application. Furthermore, this feature forms at least one basis for arguing patentability in the future Appeal of the parent application. As such, the outcome of the Appeal in the parent application may be dispositive of patentability in the subject application.

37 C.F.R. § 1.103 Suspension of action by the Office, states in part:

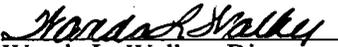
(a) Suspension for cause. On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under 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(h), unless such cause is the fault of the Office.  
[emphasis added]

709 [R-2] Suspension of Action, states in part:...

Suspension of action under 37 CFR 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR 1.704(c)(1).

Pursuant to applicant's request, suspension on this application is **GRANTED**. Ex parte prosecution is **SUSPENDED FOR A PERIOD OF 6 MONTHS**. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

  
Wanda L. Walker, Director  
Technology Center 2600  
Communications



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SEP 23 2008  
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TECHNOLOGY CENTER 2800

In re Application of :  
YOSHIDA, MASAYOSHI et al. :  
Application No. 11/523,610 :  
Filed: September 20, 2006 :  
Attorney Docket No. 8048-1188-1 :  
: 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 July 30, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

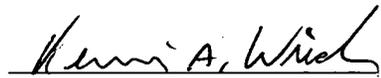
- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation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

The request to participate in the PPH program 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  
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Suite 500  
Alexandria, VA 22314

Mail Date: 04/23/2010

<b>Applicant</b>	: Shingo Saigo	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7609350	: RECALCULATION of PATENT
<b>Issue Date</b>	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/523,612	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/20/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **155** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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Suite 500  
Alexandria, VA 22314

Mail Date: 04/23/2010

<b>Applicant</b>	: Frederic Beroul	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7607892	: RECALCULATION of PATENT
<b>Issue Date</b>	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/523,614	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/20/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **507** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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In re Application of :  
YOSHIDA, MASAYOSHI, et al. :  
Application No. 11/523,615 :  
Filed: September 20, 2006 :  
Attorney Docket No. 8048-1188-2 :  
: 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 July 30, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

The request to participate in the PPH program and petition is deficient as follows:

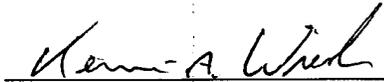
It is not clear whether petitioner has complied with item 2 above. Allowed claims have been provided for JPO application 2006-234019 and correspondence to the claims of the instant application shown. However, the relationship of the above JPO application and that of JPO application 2004-234019 for which priority is claimed has not been established. In response to this decision, Requestor should establish the relationship between the application containing the allowed claims and that for which priority is claimed.

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

Any response must be submitted via EFS-web.

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.



Kenneth A. Wieder  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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Lisa Stahl  
PO BOX 1404  
ALEXANDRIA VA 22313-1404

In re Application of :  
MIYAKE et al :  
Serial No.: 11/523,691 :Decision on Petition  
Filed : September 20, 2006 :  
Attorney Docket No.: 1034232-000047 :

This letter is in response to the Petition under 37 C.F.R. 1.144 and 1.181 filed on December 27, 2007 requesting withdrawal of the restriction requirement.

**BACKGROUND**

On August 9, 2007, the examiner mailed a restriction requirement in which the original claims 11-22 were divided into 2 groups.

On September 6, 2007, Applicants elected Group I (Claims 11-14, 21-22) drawn to a process with traverse.

On October 9, 2007, the examiner considered the traversal, reiterated the restriction requirement and mailed to applicants a non-final Office action, in which Group 1 (Claims 11-14, 21-22) were searched and examined on the merits. The restriction requirement was made final.

On December 27, 2007, applicants filed this petition to request that the Office withdraw the restriction requirement between Groups I and II.

**DISCUSSION**

The petition and file history have been carefully considered.

**Consideration of Independent and Distinct Inventions**

35 U.S.C. 121 sets forth the appropriate means for restriction which permits, "If two or more independent and distinct inventions are claimed in one application, the Director may require the application to be restricted to one of the inventions...."

MPEP 802.01 helps define the terms independent and distinct. The term “independent” (i.e., unrelated) means that there is no disclosed relationship between the two or more inventions claimed, that is, they are unconnected in design, operation, and effect. Related inventions are distinct if the inventions as claimed are not connected in at least one of design, operation, or effect (e.g., can be made by, or used in, a materially different process) and wherein at least one invention is PATENTABLE (novel and nonobvious) OVER THE OTHER (though they may each be unpatentable over the prior art).

The MPEP also provides guidance in 806.01, stating “In passing upon questions of double patenting and restriction, it is the claimed subject matter that is considered and such claimed subject matter must be compared in order to determine the question of distinctness or independence.”

Finally, “Where the claims of an application define the same essential characteristics of a single disclosed embodiment of an invention, restriction there between should never be required. This is because the claims are not directed to distinct inventions; rather they are different definitions of the same disclosed subject matter, varying in breadth or scope of definition” (see MPEP 806.03).

Here, as correctly pointed out by the petition, for the reasons set forth on page 2 of the petition, the two inventions are not distinct from each other. Claims in one group overlap in scope with Claims in another group set forth in the requirement for restriction. Thus, the groups set forth in the requirement for restriction are not patentably distinct.

The claims of both groups are drawn to process for converting an aldonic acid into a corresponding 2-keto-3-deoxyaldonic acid, the process comprising the step of converting the aldonic acid into the 2-keto-3-deoxyaldonic acid in a water-based medium. The groups differ as follows:

Group I requires a gluconate dehydratase capable of dehydrating D-gluconic acid to produce 2-keto-3-deoxy-D-gluconic acid and processed products from the gluconate dehydratase.

Group II requires a transformed cell prepared by transforming a host cell with a plasmid containing a gene encoding a gluconate dehydratase capable of dehydrating D-gluconic acid to produce 2-keto-3-deoxy-D-gluconic acid and process products from the transformed cell.

The examiner maintained the restriction requirement on the grounds a search for an enzymatic reaction in vitro comprising a gluconate dehydrogenase in Group I does not require search a cell transformed with a plasmid encoding the same. This argument has been reviewed but is not found persuasive. First, burden alone is not sufficient grounds for maintaining a restriction requirement. The inventions must also be independent and distinct from each other. Second, Claim 11 does not appear to require an in vitro method, but would also appear to encompass a method with a cell transformed with a plasmid encoding a gluconate dehydrogenase. Thus, the claims overlap in scope as both claims encompass the embodiment of using a cell transformed

with a plasmid encoding a gluconate dehydrogenase. Claims overlapping in scope are not deemed distinct.

**DECISION**

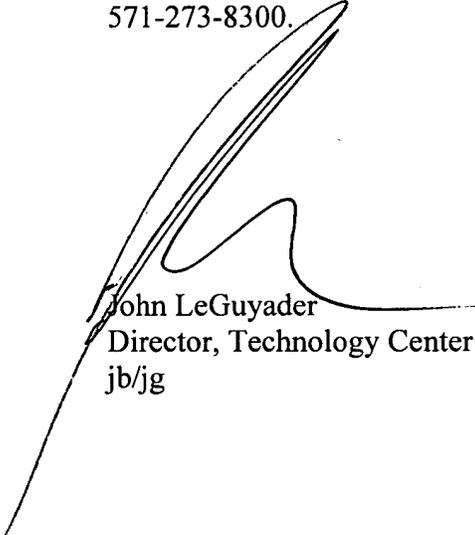
The petition is **GRANTED** for the reasons set forth above.

The requirement for restriction between Groups I and II has been withdrawn. Claims 15-20 are rejoined with Group I already under examination, and said claims will be examined together.

**The application will be forwarded to the examiner for further action consistent with this decision and for the preparation of a new non-final Office action which addresses the claims of Groups I and II.**

Any request for reconsideration must be filed within two (2) months of the mailing date of this decision.

Should there be any questions about this decision, please contact Special Program Examiner Julie Burke, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-1600 or by facsimile sent to the general Office facsimile number, 571-273-8300.



John LeGuyader  
Director, Technology Center 1600  
jb/jg



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DICKSTEIN SHAPIRO LLP  
1825 EYE STREET, NW  
WASHINGTON, DC 20006

Mail Date: 04/21/2010

<b>Applicant</b>	: Chandra Mouli	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7662657	: RECALCULATION of PATENT
<b>Issue Date</b>	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/523,697	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/20/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **214** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

Mail Date: 07/21/2010

<b>Applicant</b>	: Nae-wan Kang	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7657205	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/523,700	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/20/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **674** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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APR 11 2008

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

In re Application of: :  
Hillion et al. : PETITION DECISION  
Serial No.: 11/523,737 :  
Filed: September 20, 2006 :  
Attorney Docket No.: PET-2275 :

This is in response to the petition under 37 CFR § 1.181, filed March 21, 2008, requesting that the finality of the Office action of February 29, 2008 be withdrawn.

BACKGROUND

More recently, the examiner mailed a non-final Office action on August 30, 2007 setting a three month statutory limit for reply. At the time of this non-final Office action, claims 1-15 were pending and examined on their merits. The examiner rejected Claims 1- 15 under 35 U.S.C. 103(a) as being unpatentable over Stern et al. (U.S. Patent 4,695,411 ) and rejected claims 1-15, provisionally, on the ground of nonstatutory double patenting over claims 1-20 of copending Application No. 11/523,765.

In reply to the non-final Office action of August 1, 2007, applicants filed remarks and arguments, along with an amendment on December 18, 2007 which included amendments to claims 1, 2, 11, 12 and 15.

On February 29, 2008, the examiner mailed a final Office action setting a three month statutory limit for reply. At the time of this final Office action, claims 1-15 were pending and examined on their merits. The examiner stated the following with regard to the specification:

A substitute specification excluding the claims is required pursuant to 37 CFR 1.125(a) because page 12 of the Specification omits the experimental discussion of stage (b) and possibly stage (c) under the heading "Example 3 (according to the invention) [see page 2 final Office action].

The examiner additionally rejected claim 1 under 35 USC 112, second paragraph, for being indefinite, objected to claim 15, and rejected claims 1-15 under 35 U.S.C. 103(a) as being unpatentable over Tanaka (U.S. 4,303,590), Schuchardt, U. et al. (Journal of Brazilian Chemical Society, vol. 9, no. 1, pp 199-202) and Stern (U.S. 5,424,466).

In response thereto, applicants filed this petition under 37 CFR § 1.181 on March 21, 2008, requesting that the finality of the Office action of February 29, 2008 be withdrawn.

## DISCUSSION

The petition and the file history have been carefully considered.

In the petition filed on March 21, 2008, applicants argue that the new requirement to provide a substitute specification, as well as the new rejection of claim 1 under 35 USC 112, second paragraph, precluded the finality of the Office action rendered by the examiner on February 29, 2008. Specifically, applicants contend:

For the first time during prosecution, there is a requirement in the Office Action to provide a substitute specification on the grounds that the specification on page 12 is incomplete. This requirement is tantamount to a new rejection and it should not be final... In paragraph number 2 starting on page 2 of the Office Action, there is a rejection of claim 1 under 35 U.S.C. 112. This has also been raised for the first time and since the objection is to the original language in the claims, it is not occasioned by any amendment.

MPEP § 706.07(a) recites, in-part:

*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) (emphasis added)*

Hence, because the requirement set forth by the examiner for applicants to provide a substitute specification is not a rejection, such a requirement does not preclude the finality of the Office action of February 29, 2008. Such a requirement by the examiner, while being a Petitionable issue, is not an Appealable issue and, thus, prosecution will not be delayed upon the rendering of such a requirement.

Pertaining to the rejection made by the examiner over claim 1 for being indefinite under 35 USC 112, second paragraph, a review of claim 1 prior to, as well as at the time of the amendments made by applicants on December 18, 2007 is in order.

Claim 1 prior to amendment on December 18, 2007:

1. (Currently Amended) A method for manufacturing fatty acid ethyl esters from vegetable or animal oils or fat or from other glyceride mixtures, comprising the succession of stages as follows:
- a stage (a) wherein the oil, the fat or the glyceride mixture is transesterified by ethanol using a soluble catalyst or a catalyst that becomes soluble during the reaction,
  - a stage (b) wherein **the glycerin** formed is decanted and removed without requiring an excess ethanol evaporation operation,
  - a stage (c) wherein a second transesterification reaction is carried out in the presence of a catalyst so as to obtain a product whose ester content is at least 97 % by mass,
  - a stage (d) wherein controlled neutralization of the catalyst from stage (c) is carried out,
  - a stage (e) wherein excess ethanol is removed by distillation,
  - a stage (f) wherein the resultant ester undergoes purification by means of water wash sequences, and
  - a stage (g) wherein the resultant washed ester mixture is dried under reduced pressure. (emphasis in bold added)

Claim 1 at the time of the amendment submitted by applicants on December 18, 2007:

1. (Currently Amended) A method for manufacturing fatty acid ethyl esters from an oil encompassing vegetable or animal oils or fat or ~~from~~ other glyceride mixtures said oil having an acid number of at most 2, comprising ~~the~~ a succession of stages as follows:
- a batch stage (a) wherein the oil, the fat or the glyceride mixture is catalytically transesterified by ethanol ~~using a~~ with a soluble basic catalyst or a basic catalyst that becomes soluble during the reaction, with ethanol, said ethanol having a water content of between 3000 and 5000 ppm,
  - a stage (b) wherein **the glycerin** formed is decanted and removed without ~~requiring an any steps of evaporating excess ethanol evaporation operation or introducing additional water or a hydrocarbon solvent to facilitate decantation,~~
  - a batch stage (c) wherein a second transesterification reaction is carried out with makeup ethanol, said makeup ethanol having a water content of between 3000 and 5000 ppm, in the presence of a ~~catalyst~~ makeup soluble basic catalyst or a basic catalyst that becomes soluble during the reaction so as to obtain a product whose ester content is at least 97 % by mass,
  - a stage (d) wherein controlled neutralization of the catalyst from stage (c) is carried out,
  - a stage (e) wherein excess ethanol is removed by distillation,
  - a stage (f) wherein the resultant ester undergoes purification by means of water wash sequences, and
  - a stage (g) wherein the resultant washed ester is dried under reduced pressure. (emphasis in bold added)

In the final Office action, the examiner stated the following with regard to the new rejection over claim 1 under 35 USC 112, second paragraph:

Claim 1 recites the limitation "the glycerin" in line 7; and recites the limitation "the resultant ester" in lines 16 and 18. There is insufficient antecedent basis for this limitation in the claim.

While the limitation 'the glycerin' set forth in claim 1 of applicants' amendment of December 18, 2007 does lack antecedent basis, it is clearly evident that original claim 1 which was examined, also contained the limitation 'the glycerin', and that this limitation also lacked antecedent basis at the time of the non-final Office action.

Thus, the examiner rendered a new rejection over claim 1 under 35 USC 112, second paragraph, which was not necessitated by applicants' amendment to claim 1 and which could have, and should have been set forth in the non-final Office action. Accordingly, it is decided that applicants have not been provided a fair opportunity to rebut said rejection.

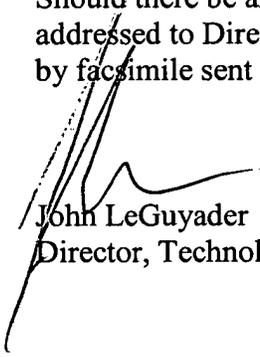
Applicants' arguments are persuasive that the final Office action issued February 29, 2008 was premature and the finality of the Office action will be withdrawn.

## **DECISION**

The petition is **GRANTED**.

This application will be forwarded to the examiner for an action not inconsistent with this decision.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.



John LeGuyader  
Director, Technology Center 1600



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

Mail Date: 04/20/2010

<b>Applicant</b>	: Gerard Hillion	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7652156	: RECALCULATION of PATENT
<b>Issue Date</b>	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
<b>Appliction No</b>	: 11/523,737	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/20/2006	: 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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SUITE 1400  
ARLINGTON, VA 22201

Mail Date: 04/20/2010

<b>Applicant</b>	: Gerard Hillion	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7652156	: RECALCULATION of PATENT
<b>Issue Date</b>	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/523,737	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/20/2006	: 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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**COPY MAILED**

**JUL 06 2007**

**OFFICE OF PETITIONS**

In re Application of  
Alkemper et al.  
Application No. 11/523,738  
Filed: September 20, 2006  
Attorney Docket No. KEKO-0021

**ON PETITION**

This is a decision on the petition filed March 12, 2007, which is properly treated as a petition under 37 CFR 1.182 requesting that the above-identified application be accorded a filing date of September 20, 2006, instead of January 8, 2007.

On September 20, 2006, applicants deposited the above-identified application. However, on October 6, 2006, the Office of Initial Patent Examination mailed a "Notice Of Incomplete Nonprovisional Application," requiring drawings of applicants' invention and stating that the filing date would be the date of receipt of the omitted drawings. Additionally, the Notice stated that applicants must submit an executed oath or declaration and pay the statutory basic filing, search, examination, and additional claim fees. It is noted that the specification deposited on September 20, 2006, describes drawings of Figures 1a, 1b, 2, 3, 4, 5a, 5b, 6, 7, and 8; however, it appears the United States Patent and Trademark Office (Office) did not receive these drawings on filing.

On January 8, 2007, applicants submitted a certified copy of the foreign priority document, five sheets of drawings, a declaration, a preliminary amendment, and the requisite fees. Thereafter, the Office accorded the application a filing date of January 8, 2007, the date of receipt of the drawings in the USPTO. On March 12, 2007, applicants filed the present petition.

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 not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description 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 drawings in the Notice of Incomplete Nonprovisional Application was sent in error and is hereby withdrawn. The application will be accorded a filing date of September 20, 2006. Accordingly, the petition is granted. No petition fee is required.

**This matter is being referred to the Office of Initial Patent Examination for further processing with a filing date of September 20, 2006, using zero "0" sheets of drawings.**

The amendment requesting entry of the drawings will be review by the examiner in due course.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

*Christina Tartera Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions



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

Mail Date: 05/10/2010

<b>Applicant</b>	: Steven F. Bierman	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7628154	: RECALCULATION of PATENT
<b>Issue Date</b>	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/523,759	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/19/2006	: 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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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
11/523,760	09/19/2006	2131	565	3944.1004-000	20	3

**CONFIRMATION NO. 5089**

 21005  
 HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
 530 VIRGINIA ROAD  
 P.O. BOX 9133  
 CONCORD, MA 01742-9133

**UPDATED FILING RECEIPT**


\*OC000000023026019\*

Date Mailed: 03/22/2007

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

**Applicant(s)**

Donald McAlister, Apex, NC;

**Power of Attorney:** None

**Domestic Priority data as claimed by applicant**
**Foreign Applications**
**If Required, Foreign Filing License Granted:** 10/25/2006

**The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is** **US11/523,760**
**Projected Publication Date:** 03/20/2008

**Non-Publication Request:** No

**Early Publication Request:** No

**\*\* SMALL ENTITY \*\***

**Title**

Re-encrypting policy enforcement point

**Preliminary Class**

713

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

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

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

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

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

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

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

**GRANTED**

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

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

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

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

**NOT GRANTED**

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



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STMicroelectronics Inc.  
c/o WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
BOSTON, MA 02210-2206

Mail Date: 04/20/2010

<b>Applicant</b>	: Pascal Chevalier	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7615455	: RECALCULATION of PATENT
<b>Issue Date</b>	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/523,770	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **269** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON DC 20007

**MAILED**

**APR 27 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Ikeda et al. :  
Application No. 11/523,771 : LETTER REGARDING  
Filed: September 20, 2006 : PATENT TERM ADJUSTMENT  
Atty Docket No. 087147-0584 :

This letter is in response to the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT" filed February 18, 2009. Pursuant to their duty of good faith and candor to the Office, applicants note that the thirty-six (36) days of Patent Term Adjustment indicated on the Notice of Allowance mailed December 31, 2008 disagrees with their own calculation.

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

The Office has updated the PALM screen to reflect that the correct Patent Term Adjustment determination at the time of the mailing of the Notice of Allowance is zero (0) days. A copy of the updated PALM screen, showing the corrected determination, is enclosed.

On December 31, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 36 days. Applicants do not state a basis for their disclosure that the Patent Term Adjustment on the Notice of Allowance disagrees with their calculation.

Nonetheless, a review of the record reveals that the initial determination of patent term adjustment of 36 days is incorrect. Pursuant to 37 CFR 1.704(b), a period of reduction of 120 days should have been entered. 37 CFR 1.704(b) provides that:

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 11, 2006 within the three-month period provided for in 37 CFR 1.704(b). Applicants did not file a complete and proper response until May 11, 2007. Accordingly, a period of reduction of 120 days is being entered for the period beginning on January 12, 2007, the day after the date that is three months after the date of mailing of the Notice, and ending on May 11, 2007, the date applicants' reply was filed.

In view thereof, the determination of Patent Term Adjustment at the time of the mailing of the notice of allowance is ZERO (0) days (127 days of Office delay reduced by 211 (91 + 120) days of applicant delay).

As this letter was submitted as an advisement to the Office of an error in Applicants' favor, the Office will not assess the \$200.00 fee under 37 CFR 1.18(e). The Office thanks applicants

for their good faith and candor in bringing this to the attention of the Office.

The Office of Data Management has been advised of this decision. The application is, thereby, forwarded to the Office of Data Management for issuance of the application. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

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

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a large, stylized flourish above the name.

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of adjusted PALM calculation

**PTA Calculations for Application: 11/523771**

Application Filing Date:	09/20/2006	PTO Delay (PTO):	127
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	91
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-120		

**File Contents History**

Number	Date	Contents Description	PTO	APPL	START
75	04/22/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		120	
68	12/31/2008	MAIL NOTICE OF ALLOWANCE			
67	12/22/2008	ISSUE REVISION COMPLETED			
66	12/22/2008	DOCUMENT VERIFICATION			
65	12/22/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
64	12/22/2008	NOTICE OF ALLOWABILITY			
60	09/05/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
57	10/20/2008	PARALEGAL TD ACCEPTED			
56	10/20/2008	PARALEGAL TD ACCEPTED			
55	09/25/2008	TERMINAL DISCLAIMER FILED		0	53
54	10/17/2008	DATE FORWARDED TO EXAMINER			
53	09/25/2008	RESPONSE AFTER NON-FINAL ACTION		91	49
52	09/25/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
51	09/05/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
50	09/05/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
49	03/26/2008	MAIL NON-FINAL REJECTION	127		-1
48	03/20/2008	NON-FINAL REJECTION			
45	09/20/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
44	05/11/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
43	05/25/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			

42	07/10/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
41	08/21/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
40	09/12/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
39	10/23/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
35	02/29/2008	CASE DOCKETED TO EXAMINER IN GAU			
34	10/23/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
33	10/23/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
32	09/12/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
31	09/12/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
30	08/30/2007	PG-PUB ISSUE NOTIFICATION			
29	08/21/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
28	08/21/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
27	07/10/2007	REFERENCE CAPTURE ON IDS			
26	07/10/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
25	07/10/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
24	07/03/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
23	05/25/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
22	05/11/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21	05/11/2007	PRELIMINARY AMENDMENT			
20	09/20/2006	REFERENCE CAPTURE ON IDS			
19	09/20/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	06/19/2007	APPLICATION DISPATCHED FROM OIPE			
17	05/25/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	09/20/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			

12	05/24/2007	SENT TO CLASSIFICATION CONTRACTOR			
11	05/24/2007	APPLICATION IS NOW COMPLETE			
10	05/11/2007	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
9	09/20/2006	CLAIM PRELIMINARY AMENDMENT			
8	05/11/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
5	10/04/2006	CLEARED BY L&R (LARS)			
4	09/27/2006	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
3	09/27/2006	CASE CLASSIFIED BY OIPE			
2	09/24/2006	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	09/20/2006	INITIAL EXAM TEAM NN			

Search Another: **Application#**

**EXPLANATION OF PTA CALCULATION**

**EXPLANATION OF PTE CALCULATION**

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

Back to [OASIS](#) | [Home page](#)

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

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

DATE : 6/17/10

TO SPE OF : ART UNIT 2179 (2100)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/523,783 Patent No.: 7,644,375

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

**FOR IFW FILES:**

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

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

**FOR PAPER FILES:**

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

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

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

**Thank You For Your Assistance**

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

Note your decision on the appropriate box.

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

/Kieu Vu/

**SPE** \_\_\_\_\_ **ART UNIT** 2173



ROCHE DIAGNOSTICS OPERATIONS INC.  
9115 HAGUE ROAD  
INDIANAPOLIS IN 46250-0457

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JAN 07 2008

**OFFICE OF PETITIONS**

In re Application of  
Claudius Burkhardt et al.  
Application No. 11/523,837  
Filed: September 20, 2006  
Attorney Docket No. 23421US

ON PETITION

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

The petition is **GRANTED**.

The instant application became abandoned on December 12, 2006, for failure to timely reply to the Notice to File Missing Parts, mailed October 11, 2006, which set a two (2) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Accordingly, the Notice of Abandonment was mailed June 12, 2007.

The filing of the oath or declaration, and authorization to charge petitioner's deposit account for the late filing surcharge, as required by the Notice to File Missing Parts mailed October 11, 2006, and the petition fee is acknowledged.

With respect to Figures 17 and 18, previously omitted from the application as filed, the preliminary amendment is acknowledged.

All other requirements having been met, The application is being forwarded to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be forwarded to Technology Center 1743 for examination in due course and for a determination that the one (1) sheet of drawings containing Figures 17 and 18 filed on June 27, 2007, does not contain new matter.

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

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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COLLARD & ROE, P.C.  
1077 NORTHERN BOULEVARD  
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant : Qiu Jian Ping : DECISION ON REQUEST FOR  
Patent Number : 7621051 : RECALCULATION OF PATENT  
Issue Date : 11/24/2009 : TERM ADJUSTMENT IN VIEW  
Application No : 11/523,857 : OF WYETH AND NOTICE OF INTENT TO  
Filed : 09/20/2006 : 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.



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**LADAS & PARRY**  
**5670 WILSHIRE BOULEVARD, SUITE 2100**  
**LOS ANGELES, CA 90036-5679**

**MAILED**

**APR 26 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Jin Young CHOI	:	
Application No. 11/523,861	:	DECISION ON PETITION
Filed: September 19, 2006	:	TO WITHDRAW
Attorney Docket No. 086121-0014	:	FROM RECORD
	:	

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 04, 2010.

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

A review of the file record indicates that the power of attorney to Ladas & Parry has been revoked by the assignee of the patent application on March 26, 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 571-272-4231.

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

cc: **MCDERMOTT WILL & EMERY LLP**  
**600 13TH STREET, N.W.**  
**WASHINGTON DC 20005-3096**



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Mahamedi Paradice Kreisman LLP (NLMI)  
550 South Winchester Blvd.  
Suite 605  
San Jose, CA 95128

Mail Date: 04/21/2010

<b>Applicant</b>	: M. Neil N. Mammen	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7644080	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/523,881	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **438** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834**

**MAILED**

**AUG 03 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
Beadles et al.	:	DECISION ON PETITION
Application No. 11/523,882	:	TO WITHDRAW
Filed: September 19, 2006	:	FROM RECORD
Attorney Docket No. 20063P-001214US	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed June 29, 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 Ardeshir Tabibi on behalf of all attorneys of record who are associated with Customer No. 20350.

All attorneys/agents associated with Customer Number 20350 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 no outstanding 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

cc: ENDFORCE, Inc.  
565 Metro Place South, Suite 300  
Dublin OH 43017



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ABELMAN, FRAYNE & SCHWAB  
666 THIRD AVENUE, 10TH FLOOR  
NEW YORK, NY 10017

Mail Date: 04/21/2010

<b>Applicant</b>	: Helmut Burger	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7612482	: RECALCULATION of PATENT
<b>Issue Date</b>	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/523,905	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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Michael E. Mauney  
P.O. Box 10266  
Southport NC 28461

**MAILED**

MAR 05 2010

OFFICE OF PETITIONS

In re Application of  
Christopher M. Goggin  
Application No. 11/523,906  
Filed: September 16, 2006

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 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 25, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). 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 26, 2009. The Notice of Abandonment was mailed October 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 \$405, and the submission required by 37 CFR 1.114; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

This application is being referred to Technology Center AU 1797 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.



Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **Christopher M. Goggin**  
**637 Wild Dunes Circle**  
**Wilmington, NC 28411**



ELMORE PATENT LAW GROUP, PC  
515 Groton Road  
Unit 1R  
Westford MA 01886

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**JUL 18 2008**

In re Application of :  
Edwards et al. :  
Application No. 11/523,914 : DECISION ON PETITION  
Filed: 09/20/06 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No. 2846.1003 US11 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed May 2, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications.

The petition is **GRANTED**.

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

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

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

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

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. 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 1616 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

*Christina Tartera Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions

**ATTACHMENT:** Corrected Filing Receipt



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/523,914	09/20/2006	1616	1000	2846.1003 US11	4	1

CONFIRMATION NO. 7376

CORRECTED FILING RECEIPT



38421  
ELMORE PATENT LAW GROUP, PC  
515 Groton Road  
Unit 1R  
Westford, MA 01886

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)**

David A. Edwards, Boston, MA;  
Robert S. Langer, Newton, MA;  
Rita Vanbever, Brussels, BELGIUM;  
Jeffrey Mintzes, Brighton, MA;  
Jue Wang, Clifton, NJ;  
Donghao Chen, Lexington, MA;

**Power of Attorney:** The patent practitioners associated with Customer Number 38421

**Domestic Priority data as claimed by applicant**

This application is a CON of 10/420,071 04/18/2003  
which is a CON of 09/752,106 12/29/2000 ABN  
which is a CIP of 09/394,233 09/13/1999 PAT 6,652,837  
which is a CIP of 08/971,791 11/17/1997 PAT 5,985,309  
which claims benefit of 60/059,004 09/15/1997  
and is a CON of 08/784,421 01/16/1997 PAT 5,855,913  
which is a CIP of 08/739,308 10/29/1996 PAT 5,874,064  
which is a CIP of 08/655,570 05/24/1996 ABN

**Foreign Applications**

**If Required, Foreign Filing License Granted:** 10/11/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/523,914**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Particles for inhalation having sustained release properties

**Preliminary Class**

424

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

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

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

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

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

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

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

Mail Date: 04/20/2010

<b>Applicant</b>	: Larry D. Kinsman	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7629686	: RECALCULATION of PATENT
<b>Issue Date</b>	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/523,915	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/20/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **62** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

Mail Date: 05/17/2010

**Applicant** : Larry D. Kinsman : NOTICE CONCERNING IMPROPER  
**Patent Number** : 7629686 : CALCULATION OF PATENT TERM  
**Issue Date** : 12/08/2009 : ADJUSTMENT BASED UPON USPTO  
**Application No** : 11/523,915 : IMPROPERLY MEASURING REDUCTION  
**Filed** : 09/20/2006 : PERIOD UNDER 37 CFR 1.704(c)(10).

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

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

The patent term adjustment has been determined to be **96** 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).



**MAILED**

**FEB 25 2010**

**OFFICE OF PETITIONS**

**Innovation Counsel LLP  
21771 Stevens Creek Blvd  
Ste. 200A  
Cupertino CA 95014**

In re Application of :  
Su-Gyeong Lee et al. :  
Application No. 11/523,932 : **DECISION ON PETITION**  
Filed: September 19, 2006 :  
Attorney Docket No. PANKO1394-1D US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 30, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before November 27, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed August 27, 2009. Accordingly, the date of abandonment of this application is November 28, 2009. A Notice of Abandonment was mailed on December 16, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510 and the publication fee of \$300, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

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

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

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

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

/Kimberly A. Inabinet/

Kimberly A. Inabinet  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/523,973	09/20/2006	Ha-Young Yang	1235-217	7480

7590 11/28/2008  
THE FARRELL LAW FIRM, P.C.  
333 EARLE OVINGTON BOULEVARD  
SUITE 701  
UNIONDALE, NY 11553

EXAMINER

GHAYOUR, MOHAMMAD H

ART UNIT PAPER NUMBER

2611

MAIL DATE DELIVERY MODE

11/28/2008

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.

*Nicole Farmer*  
Patent Publication Branch  
Office of Data Management

Refund Ref:  
11/28/2008 NFARMER 0000165291

CHECK Refund Total: \$2250.00

Adjustment date: 11/28/2008 NFARMER  
09/22/2006 LWONDIAI 00000053 11523973  
02 FC:1111 -500.00 OP  
04 FC:1202 -1350.00 OP  
05 FC:1201 -400.00 OP



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Mahamedi Paradice Kreisman LLP (NLMI)  
550 South Winchester Blvd.  
Suite 605  
San Jose, CA 95128

Mail Date: 04/21/2010

<b>Applicant</b>	: Michael E. Ichiriu	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7624105	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/524,024	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/19/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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



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

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**AUG 15 2008**

**OFFICE OF PETITIONS**

In re Application of	:
Nobuo Matsuki, et al.	:
Application No. 11/524,037	: DECISION ON PETITION
Filed: September 20, 2006	: UNDER 37 CFR 1.313(c)(1)
Attorney Docket No. ASMJP.158CP2	:

This is a decision on the petition under 37 CFR 1.313(b)(1) being treated as a 37 CFR 1.313(c), filed August 14, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

(1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;

(2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or

(3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

Upon payment of the issue fee, an application will not be withdrawn from issue upon petition except for the reasons enumerated in 37 CFR 1.313(c). The circumstances of the above-identified application do not fall within any of those exceptions.

For the reason stated above, the petition under 37 CFR 1.313(c) cannot be granted.

Petitioner is reminded that the filing of any renewed petition to withdraw from issue may not be recognized or effective if not received by the appropriate deciding official in time to act prior to

issuance. *Note* 37 CFR 1.313(d). It is recommended that the facsimile number listed below be used to file the renewed petition.

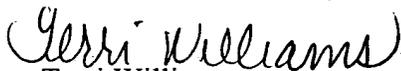
Further correspondence with respect to this matter should be addressed as follows:

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

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

By fax:                      **(571) 273-0025**  
                                  **Office of Petitions**

Any questions concerning this matter may be directed to Terri Williams at (571) 272-2991.

  
Terri Williams  
Petitions Examiner  
Office of Petitions



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

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**AUG 26 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Nobuo Matsuki, e al. :  
Application No. 11/524,037 : DECISION GRANTING PETITION  
Filed: September 20, 2006 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. ASMJP.158CP2 :

This is a decision on the renewed petition under 37 CFR 1.313(c)(2), filed August 22, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

*Petitioner is advised that the issue fee paid on July 31, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

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

This application is being referred to Technology Center AU 2812 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams  
Petitions Examiner  
Office of Petitions

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



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**BRACEWELL & GIULIANI LLP**  
**P.O. BOX 61389**  
**HOUSTON TX 77208-1389**

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AUG 13 2008

**OFFICE OF PETITIONS**

In re Application of :  
Deaton et al. :  
Application No. 11/524,046 : **ON PETITION**  
Filed: September 20, 2006 :  
Attorney Docket No. TA-00793 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 8, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a signed Oath/Declaration, basic filing fee, replacement claims, additional claim fees and late surcharge, (2) the petition fee, and (3) a proper statement of unintentional delay.

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

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

This matter is being referred to the Office of Patent Application Processing for further processing.

  
Liana Walsh  
Petitions Examiner  
Office of Petitions



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

Mail Date: 08/03/2010

**Applicant** : Scott J. Carter : DECISION ON REQUEST FOR  
**Patent Number** : 7658247 : RECALCULATION of PATENT  
**Issue Date** : 02/09/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/524,064 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/20/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **426** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

Mail Date: 06/03/2010

<b>Applicant</b>	: Been-Yih Jin	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7638383	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/524,067	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/19/2006	: 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.



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SIDLEY AUSTIN LLP  
717 NORTH HARWOOD  
SUITE 3400  
DALLAS, TX 75201

Mail Date: 04/20/2010

**Applicant** : Koichi Kamon : DECISION ON REQUEST FOR  
**Patent Number** : 7598994 : RECALCULATION of PATENT  
**Issue Date** : 10/06/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/524,072 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/20/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **460** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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**LANDO & ANASTASI, LLP**  
**ONE MAIN STREET, SUITE 1100**  
**CAMBRIDGE MA 02142**

**MAILED**

**MAY 05 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Wilkins et al :  
Application No. 11/524,080 : **DECISION ON PETITION**  
Filed: September 20, 2006 :  
Attorney Docket No. 2006P02557US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 21, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed September 28, 2009, is accepted as having been unintentionally delayed.

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

This application is being referred to the Office of Data Management to be processed into a patent.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



W. ERIC BOYD, ESQ.  
IRVINE SENSORS CORP.  
3001 REDHILL AVENUE, BUILDING 4  
SUITE 108  
COSTA MESA CA 92626

**COPY MAILED**

In re Application of	:	FEB 2 6 2009
Ozguz et al.	:	
Application No. 11/524090	:	<b>OFFICE OF PETITIONS</b>
Filing or 371(c) Date: 09/20/2006	:	
Attorney Docket Number:	:	
ISC-136A 3DMINT CIP	:	<b>ON PETITION</b>

This is a decision on the “Petition to Withdraw Holding of Abandonment Based on Evidence of Timely Filing of Response to Restriction Requirement Small Entity 37 CFR 1.182 No Fee Due,” filed January 15, 2009. The petition is properly treated under 37 CFR § 1.181(a)<sup>1</sup>.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled “Renewed Petition under [insert the applicable code section].” This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the Office action, mailed May 30, 2008. The Office action set a one (1) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned July 1, 2008. The mailing of this Decision precedes the mailing of a Notice of Abandonment.

The present petition

Applicant files the present petition and asserts that a timely reply to the Office action, to wit – a Response to Restriction Requirement and Petition for Two Month Extension of Time and fee of \$230.00, was filed on August 11, 2008. Applicant avers that the Response filed included a

<sup>1</sup> A petition under 37 CFR 1.182 is filed for “[a]ll situations not specifically provided for in the regulations;” and requires a petition fee, currently \$400.00. A petition under 37 CFR 1.181 is filed to petition the Director “[f]rom any action or requirement of any examiner in the ex parte prosecution of an application, or in ex parte or inter partes prosecution of a reexamination proceeding which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court.” Here, Applicant is requesting the Examiner accept as timely filed the Response to Restriction Requirement. As such, a petition under 37 CFR 1.181 is the appropriate venue.

Certificate of Mailing under 37 CFR 1.8, executed by Petitioner herein, and the Response also included a self-addressed, stamped postcard per MPEP 503. Applicant notes that the postcard was not returned by this Office. Applicant includes true and correct copies of the Response to Restriction Requirement, the backside of the return-receipt postcard and cancelled check no. 30901. Applicant states that the check is reflected as having been negotiated by this Office on August 20, 2008. Finally, Applicant notes that the Response is not reflected in the Office's Application file.

#### Office records

A review of Office records reveal that the Response, as Applicant notes, is not present in the application file. A further review of Office records reveals that the check, no. 30901, was processed against application no. 10/968,572, for which Petitioner herein is also the attorney of record. A further review of application no. 10/968,572 reveals that the check was filed with a Response to Restriction Requirement and Petition for Two Month Extension of Time, filed on the same date that Applicant putatively filed the Response in this application – August 11, 2008. In order for the response filed in application no. 10/968,572 to have been considered, a two month extension of time was required.

#### Review of the Copy of Check No. 30901

A review of the copy of check no. 30901 filed by Applicant with the present petition to support Applicant's assertion that the Response and Petition for Extension of Time were timely filed, reveals that written on the face of the check, in the bottom left-hand corner, is application no. 10/968,572, and not the present application.

#### Applicable Law, Rules and/or MPEP

(b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed or decided with prejudice, or the prosecution of a reexamination proceeding is terminated pursuant to § 1.550(d) or § 1.957(b) or limited pursuant to § 1.957(c), or a requester paper is refused consideration pursuant to § 1.957(a), 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 that attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing, transmission or submission. If the correspondence was sent by facsimile transmission, a copy

of the sending unit's report confirming transmission may be used to support this statement. If the correspondence was transmitted via the Office electronic filing system, a copy of an acknowledgment receipt generated by the Office electronic filing system confirming submission may be used to support this statement.

(c) The Office may require additional evidence to determine if the correspondence was timely filed.

Analysis/conclusion

Office records fail to indicate that the Response was filed for the present application. Applicant does not have a return-receipt postcard stamped by this Office acknowledging receipt of the putatively-filed Response. Applicant has also failed to demonstrate that the fee for the requisite two-month extension of time was filed for the present application. As such, Applicant has failed to demonstrate the Response was timely filed for the present application.

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

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

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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W. ERIC BOYD, ESQ.  
IRVINE SENSORS CORP.  
3001 REDHILL AVENUE, BUILDING 4  
SUITE 108  
COSTA MESA CA 92626

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APR 23 2009

OFFICE OF PETITIONS

In re Application of :  
Ozguz et al. :  
Application No. 11/524090 :  
Filing or 371(c) Date: 09/20/2006 :  
Attorney Docket Number: :  
ISC-136A 3DMINT CIP : ON PETITION

This is a decision in response to the Petition for Revival of Application Abandoned Unintentionally Under 37 CFR 1.137(b), filed March 9, 2009.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Office action, mailed May 30, 2008. The Office action set a one (1) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned July 1, 2008. The mailing of this Decision precedes the mailing of a Notice of Abandonment.

Applicant files the present petition and response to the Office communication. 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 the Restriction/Election Requirement; (2) the petition; and (3) the required statement of unintentional delay are filed with the present petition. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being forwarded to Technology Center Art Unit 2814 for processing of the response in due course.

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

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



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

Mail Date: 06/16/2010

**Applicant** : Mohammad Naghi Ghasemi Nejhad : DECISION ON REQUEST FOR  
**Patent Number** : 7658870 : RECALCULATION of PATENT  
**Issue Date** : 02/09/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/524,091 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/20/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **549** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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**MAY 17 2007**

**OFFICE OF PETITIONS**

**Heller Ehrman LLP  
4350 La Jolla Village Drive, #700  
7th Floor  
San Diego, CA 92122**

In re Application of	:	
William E. McKenzie III	:	
Application No. 11/524,112	:	DECISION ON PETITION
Filed: September 19, 2006	:	TO WITHDRAW
Attorney Docket No. 42372-0004E	:	FROM RECORD
	:	

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

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

A review of the file record indicates that the power of attorney to Heller Ehrman LLP has been revoked by the assignee of the patent application on March 30, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Williams  
Petitions Examiner  
Office of Petitions

cc: **Brinks Hofer Gilson & Lione  
P.O. Box 10395  
Chicago, IL 60610**


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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/524,112	09/19/2006	William E. McKinzie III	42372-0004E

**CONFIRMATION NO. 7464**


\*OC000000023846448\*

33123  
 HELLER EHRMAN LLP  
 4350 LA JOLLA VILLAGE DRIVE #700  
 7TH FLOOR  
 SAN DIEGO, CA 92122

Date Mailed: 05/14/2007

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 03/30/2007.

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

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



**THE BLACK & DECKER CORPORATION**  
**701 EAST JOPPA ROAD, TW199**  
**TOWSON MD 21286**

**MAILED**

**AUG 11 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Edward PILATOWICZ et al. :  
Application No. 11/524,122 : **DECISION ON PETITION**  
Filed: September 20, 2006 :  
Attorney Docket No. 5671-25 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 28, 2009, to revive the above-identified application.

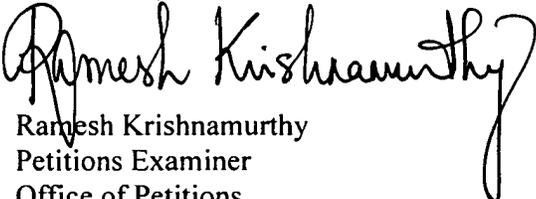
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, October 28, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 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 an amendment, (2) the petition fee of \$1620, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office October 28, 2008, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 3753 for appropriate action on the concurrently filed amendment.

  
Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



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Booth Udall, PLC  
1155 W Rio Salado Parkway  
Suite 101  
Tempe, AZ 85281

Mail Date: 04/20/2010

**Applicant** : Vibhu K. Kalyan : DECISION ON REQUEST FOR  
**Patent Number** : 7660736 : RECALCULATION of PATENT  
**Issue Date** : 02/09/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/524,153 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/20/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **395** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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Somis, CA 93066

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**DEC 04 2006**

**OFFICE OF PETITIONS**

In re Application of :

**LEROY** :

Application No. 11/524,156 :

Filed: September 19, 2006 :

Attorney Docket No. :

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 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 evidence submitted with the instant petition is a declaration signed by Mr. LeRoy 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 3751 for action on the merits commensurate with this decision.

Patricia Volpe  
Petitions Examiner  
Office of Petitions



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STANZIONE & KIM, LLP  
919 18TH STREET, N.W.  
SUITE 440  
WASHINGTON, DC 20006

Mail Date: 04/21/2010

Applicant : Young-su Lee : DECISION ON REQUEST FOR  
Patent Number : 7588315 : RECALCULATION of PATENT  
Issue Date : 09/15/2009 : TERM ADJUSTMENT IN VIEW  
Application No : 11/524,187 : OF WYETH  
Filed : 09/21/2006 :  
:  
:

The Patentee's Request for Recalculation is **DISMISSED**.

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b) (2) (A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b) (4) (A) concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

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

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



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/524,188 09/21/2006 Shinichi Inoue 296511US8 7800

7590 08/26/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

CHIN, VIVIAN C

ART UNIT PAPER NUMBER

2614

NOTIFICATION DATE DELIVERY MODE

08/26/2009

ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farnes
Patent Publication Branch
Office of Data Management

Refund Ref: 08/27/2009 0330373737

Credit Card Refund Total: \$500.00

Ad Exp.: XXXXXXXXXXXX1C01

Adjustment date: 08/27/2009 NFARMER
09/22/2006 EAYALEW1 00000039 11524100
02 FC:1111 -500.00 OP



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes details for application 11/524,196, inventor Jeong-wha Kim, and attorney STEIN, MCEWEN & BUI, LLP.

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Handwritten signature of Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 02/02/2009 BPOWELL
09/22/2006 EAYALEW1 00000071 11524196
02 FC:1111 -500.00 OP
04 FC:1202 -150.00 OP

Repl. Ref: 02/02/2009 BPOWELL 0017005100
DAH:502866 Name/Number:11730008
FC: 9204 \$500.00 CR



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VENABLE LLP  
P.O. BOX 34385  
WASHINGTON, DC 20043-9998

Mail Date: 04/21/2010

**Applicant** : Fredrik Enquist : DECISION ON REQUEST FOR  
**Patent Number** : 7622080 : RECALCULATION of PATENT  
**Issue Date** : 11/24/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/524,332 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/21/2006 : 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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PHILIP S. JOHNSON  
JOHNSON & JOHNSON  
ONE JOHNSON & JOHNSON PLAZA  
NEW BRUNSWICK, NJ 08933-7003

Mail Date: 05/20/2010

<b>Applicant</b>	: Joseph P. Iannotti	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7604665	: RECALCULATION of PATENT
<b>Issue Date</b>	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/524,335	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/20/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **160** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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**JUN 28 2010**

**OFFICE OF PETITIONS**

**MORRISON & FOERSTER LLP  
12531 HIGH BLUFF DRIVE  
SUITE 100  
SAN DIEGO, CA 92130-2040**

In re Application of	:	
Leon E. Chen, et al.	:	
Application No. 11/524,350	:	DECISION ON PETITION
Filed: September 19, 2006	:	TO WITHDRAW
Attorney Docket No. 578422001200	:	FROM RECORD
	:	

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, 2010.

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

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP has been revoked by the assignee of the patent application on June 17, 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 inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

  
 Terri Johnson  
 Petitions Examiner  
 Office of Petitions

cc: **KING & SPALDING LLP  
P.O. BOX 889  
BELMONT, CA 94002-0889**



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

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**AUG 03 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
Beadles et al.	:	DECISION ON PETITION
Application No. 11/524,414	:	TO WITHDRAW
Filed: September 19, 2006	:	FROM RECORD
Attorney Docket No. 20063P-001213US	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed June 29, 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 Ardeshir Tabibi on behalf of all attorneys of record who are associated with Customer No. 20350.

All attorneys/agents associated with Customer Number 20350 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 no outstanding 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

cc: ENDFORCE, Inc.  
565 Metro Place South, Suite 300  
Dublin OH 43017



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PFIZER INC  
Mary J Hosley  
150 EAST 42ND STREET  
MS: 150/02/E112  
NEW YORK NY 10017-5612

**MAILED**  
**JUN 30 2010**  
**OFFICE OF PETITIONS**

Applicant: Michael BRODNEY et al.: DECISION ON REQUEST FOR  
Patent Number: Not Yet Available : RECALCULATION of PATENT  
Issue Date: Not Yet Available : TERM ADJUSTMENT IN VIEW OF  
Application No. 11/524,425 : WYETH  
Filed: September 20, 2006 :

The Applicant's Request for Recalculation is **DISMISSED AS PREMATURE**. Applicant has filed the request based upon the USPTO determination that is provided to applicant in the notice of allowance.

The USPTO does not calculate and inform the applicant of the patent term adjustment based upon the three-year pendency provision of 35 U.S.C. § 154(b)(1)(B) or the overlapping provision in 35 USC § 154(b)(2)(A) in the notice of allowance because the USPTO must know the date the patent will issue to be able to calculate the patent term adjustment based upon these provisions. Accordingly, the USPTO does not determine the amount of "B" delay or the amount of overlap as required by Wyeth until the USPTO establishes a grant date.

Thus, reconsideration of the patent term adjustment indicated in the patent as it relates to the three-year pendency provision of 35 U.S.C. § 154(b)(1)(B) and any overlap pursuant to 35 USC § 154(b)(2)(A) are not considered matters that could have been raised in an application for patent term adjustment under 37 CFR 1.705(b) (provides for reconsideration of the patent term adjustment indicated in the notice of allowance). Therefore, a request for reconsideration of the patent term adjustment calculation based on the three-year pendency provision of 35 U.S.C. § 154(b)(1)(B) and the overlapping provision of 35 USC §

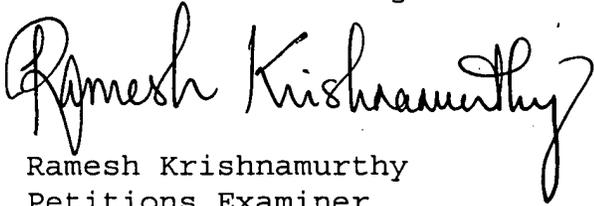
154(b)(2)(A) will be considered timely filed if filed within two months of the issue date of the patent.

Applicant may file a reply to this decision dismissing the Request for Recalculation. Applicant 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.

Applicant 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.

Applicant should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent 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.



Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



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**MORRISON & FOERSTER LLP**  
**1650 TYSONS BOULEVARD**  
**SUITE 400**  
**MCLEAN, VA 22102**

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**JUL 11 2007**  
**OFFICE OF PETITIONS**

In re Application of	:	
<b>ZHANG, Jingwu et al.</b>	:	
Application No. 11/524,489	:	<b>DECISION ON PETITION</b>
Filed: September 21, 2006	:	<b>TO WITHDRAW</b>
Attorney Docket No. <b>070702002700</b>	:	<b>FROM RECORD</b>
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 23, 2007.

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

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP has been revoked by the assignee of the patent application on June 16, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

*Terri Williams*  
Terri Williams  
Petitions Examiner  
Office of Petitions

cc: **DARBY & DARBY P.C.**  
**P.O. BOX 770**  
**CHURCH STREET STATION**  
**NEW YORK NY 10008-0770**



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Pillsbury Winthrop Shaw Pittman LLP  
(INTEL)  
P.O. Box 10500  
McLean, VA 22102

Mail Date: 04/20/2010

<b>Applicant</b>	: Jingwu Zhang	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7605916	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/524,489	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/21/2006	: 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.



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DICKSTEIN SHAPIRO LLP  
1825 EYE STREET, NW  
WASHINGTON DC 20006

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NOV 07 2007

**OFFICE OF PETITIONS**

In re Reissue Application of :  
Berezin; Krymski; and Fossum :  
Application No. 11/524,495 :  
Filed: September 21, 2006 :  
Based on Patent No. 6,794,214 :  
Issued: September 21, 2004 :  
Attorney Docket No. M4065.0847/P847RE :

ON PETITION

This is in response to the petition under 37 CFR 1.47(a), filed March 20, 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) 272-3218.

Frances Hicks  
Petitions Examiner  
Office of Petitions



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MAY 16 2007

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KLAUBER & JACKSON  
411 HACKENSACK AVENUE  
HACKENSACK NJ 07601

In re Application of :  
Dan Littman et al :  
Serial No.: 11/524,501 : PETITION DECISION  
Filed: September 20, 2006 :  
Attorney Docket No.: 1049-1-045PCTCIP :

This is a decision on the PETITION FOR ACCEPTANCE OF COLOR DRAWINGS UNDER 37 CFR 1.84(a)(2). The petition was filed March 15, 2007. Entry of color drawings requires: 1) three sets of the color drawings, 2) a proper amendment to the specification indicating color photographs or drawings are present in the file, and 3) the required fee under 37 CFR 1.17(h).

A review of the application record indicates that the petition meets all of the requirements for acceptance of color drawings. This is not to be construed that all of the drawings are accepted, only that the color drawings are acceptable.

The petition is **GRANTED**.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile transmission at 571-273-8300.

  
William R. Dixon, Jr.  
Special Program Examiner  
Technology Center 1600



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**BUTZEL LONG  
IP DOCKETING DEPT  
350 SOUTH MAIN STREET  
SUITE 300  
ANN ARBOR, MI 48104**

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SEP 26 2008**

In re Application of :  
Monia et al. :  
Application No. 11/524,507 :  
Filed: September 19, 2006 :  
Attorney Docket No. BIOL0065US :

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 patent 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.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Ms. Melissa Leuenberger-Fisher 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, Ms. Leuenberger-Fisher desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to Ms. Leuenberger-Fisher, the 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

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

Alicia Kelley  
Petitions Examiner  
Office of Petitions

cc: MELISSA LEUENBERGER-FISHER  
ISIS PHARMACEUTICALS, INC.  
1896 RUTHERFORD ROAD  
CARLSBAD, CA 92008



FOLEY AND LARDNER, LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

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**DEC 17 2009**

**OFFICE OF PETITIONS**

In re Application of  
Steffen Denzinger, et. al.  
Application No. 11/524,537  
Filed: September 21, 2006  
Attorney Docket No. 016915-0289

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:  
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:

**DECISION ON PETITION  
TO WITHDRAW FROM  
RECORD**

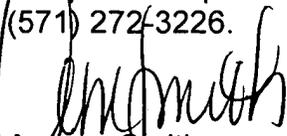
This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed October 16, 2009.

The request is **NOT APPROVED**.

The request cannot be approved because Rouget Henschel and the attorneys/agents associated with Customer No. 22428 have not provided a correspondence address for the intervening assignee<sup>1</sup> or first named inventor. Therefore, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

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).

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

  
Andrea Smith  
Petitions Examiner  
Office of Petitions

<sup>1</sup> 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).



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SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

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**FEB 26 2010**

In re Application of  
Steffen Denzinger, et. al.  
Application No. 11/524,537  
Filed: September 21, 2006  
Attorney Docket No. 016915-0289

DECISION ON PETITION  
TO WITHDRAW FROM  
RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed February 1, 2010.

In response to the decision mailed December 17, 200, petitioner submits the present renewed petition to contain the mailing address of the first named signing inventor.

The request is APPROVED.

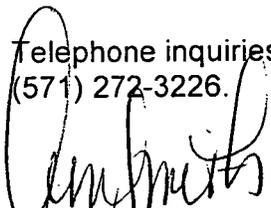
The request was signed by Rouget F. Henschel on behalf of himself and all attorneys/agents associated with Customer No. 22428. Therefore, Rouget F. Henschel and all attorneys/agents associated with Customer No. 22428 have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

This application is being referred to Technology Center Art Unit 1796 for further processing.

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

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

  
Andrea Smith  
Petitions Examiner  
Office of Petitions

cc: Steffen Denzinger  
Bebelstr. 25  
Mainz 55128 GERMANY



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/524,537	09/21/2006	Steffen Denzinger	016915-0289

CONFIRMATION NO. 6543

POWER OF ATTORNEY NOTICE



22428  
FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

Date Mailed: 02/22/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/01/2010.

- 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.

/amsmith/

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.: \_\_\_\_\_

DATE : March 29, 2010

TO SPE OF : ART UNIT 2895

SUBJECT : Request for Certificate of Correction for Appl. No.: 11524549  
Patent No.: 7674650

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

**FOR IFW FILES:**

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

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

**FOR PAPER FILES:**

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

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

**Certificates of Correction Branch  
703-756-1573**

**Thank You For Your Assistance**

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

Note your decision on the appropriate box.

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**DAVID BAGNELL**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600** 3672  
**SPE** **Art Unit**



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ABELMAN, FRAYNE & SCHWAB  
666 THIRD AVENUE, 10TH FLOOR  
NEW YORK, NY 10017

Mail Date: 06/18/2010

**Applicant** : Gayle Martz : DECISION ON REQUEST FOR  
**Patent Number** : 7665421 : RECALCULATION of PATENT  
**Issue Date** : 02/23/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/524,551 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/20/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **438** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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Gary K. Price, Esq.  
Terrell, Baugh, Salmon & Born, LLP  
700 S. Green River Road, Ste. 2000  
Evansville, IN 47715

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**DEC 24 2008**

In re Application of :  
Keith A. Hess :  
Application No. 11/524,573 : **ON PETITION**  
Filed: September 21, 2006 :  
Attorney Docket No. 13364.001 :

This is a decision on the petition under 37 CFR 1.137(b), filed on October 24, 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 September 25, 2007. A Notice of Abandonment was mailed on January 24, 2008.

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

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of \$755 for payment of the issue fee and \$300 for payment of the publication fee; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Change of Correspondence Address filed on October 24, 2008 has been accepted and made of record.

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



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

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**FEB 19 2008**

In re Application of	:	
<b>MASSABKI, Elie H.</b>	:	
Application No. 11/524,578	:	<b>DECISION ON PETITION</b>
Filed: September 20, 2006	:	<b>TO WITHDRAW</b>
Attorney Docket No. <b>CHEC-003/01US</b>	:	<b>FROM RECORD</b>

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 10, 2008.

The request is **APPROVED**.

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

The request was signed by William S. Galliani on behalf of all attorneys of record who are associated with customer No. 23419. 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*  
Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

cc: **ELIE H. MASSABKI**  
**43 BAYVIEW DRIVE**  
**SAN CARLOS, CA 94070**

cc: **PILLSBURY WINTHROP SHAW PITTMAN LLP**  
**2475 HANOVER STREET**  
**PALO ALTO, CA 94304-1114**



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**EDWARDS ANGELL PALMER & DODGE LLP**  
**P.O. BOX 55874**  
**BOSTON, MA 02205**

**MAILED**

**JUL 10 2009**

**OFFICE OF PETITIONS**

In re Application of :  
**Michael PARDOE, et al.** :  
Application No. 11/524,604 : **DECISION DISMISSING PETITION**  
Filed: September 21, 2006 : **UNDER 37 CFR 1.313(a)**  
Attorney Docket No. **64185(40353)** :

This is a decision on the petition under 37 CFR 1.313(a), filed July 6, 2009, to withdraw the above-identified application from issue.

The petition is **DISMISSED AS MOOT** since this application is now abandoned for failure to timely pay the issue and publication fees on or before July 6, 2009 as required by the Notice of Allowance and Fee(s) Due, mailed April 6, 2009.

Petitioner should note that the mere filing of a petition to withdraw from issue does not stay the period for paying the fees required by the Notice of Allowance and Fee(s) Due. Unless an applicant receives a written communication from the Office that the application has been withdrawn from issue, the issue and publication fees must be timely submitted to avoid abandonment. Note MPEP § 1308(I)(A).

In view of the above, the petition to withdraw from issue must be dismissed as involving a moot issue.

Petitioner may wish to consider filing a petition under 37 CFR 1.137 to revive this application.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-7253.

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



EDWARDS ANGELL PALMER & DODGE LLP  
P.O. BOX 55874  
BOSTON MA 02205

**COPY MAILED**

SEP 08 2009

In re Application of :  
Michael Pardoe et al. :  
Application No. 11/524,604 :  
Filed: September 21, 2006 :  
Attorney Docket No: **64185(40353)** :

**OFFICE OF PETITIONS  
ON PETITION**

This is a decision on the petition filed August 4, 2009 under 37 CFR 1.137(b),<sup>1</sup> to revive the above-identified application.

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

This application became abandoned July 7, 2009 for failure to timely pay the issue fee on or before July 6, 2009. Accordingly, a Notice of Abandonment was mailed July 31, 2009.

The issue fee in the amount of \$755.00, petition fee in the amount of \$810.00 and publication fee in the amount of \$300 have been charged to deposit account no. 04-1105.

All other requirements of 37 CFR 1.137(b) having now been met, this application file is being forwarded to the Publishing Division to be processed into a patent.

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

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

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

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

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

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

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



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INTELLECTUAL PROPERTY DEPARTMENT  
170 WOOD AVENUE SOUTH  
ISELIN NJ 08830

**COPY MAILED**  
**DEC 31 2008**

In re Application of :  
Maschke :  
Application No. 11/524,608 : DECISION DISMISSING PETITION  
Filed: September 21, 2006 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No. 2005P14449US :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed November 14, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed nonprovisional applications.

The petition is **DISMISSED**.

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

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

The amendment, filed November 14, 2008, is unacceptable because the first listed application in the amendment contains a typographical error. Before the petition can be granted, petitioner must submit a substitute amendment that lists proper application numbers, along with a renewed petition under 37 CFR 1.78(a)(3).<sup>1</sup>

<sup>1</sup> The claim for priority may also be made in an Application Data Sheet in compliance with 37 CFR 1.121 and 37 CFR 1.76(b)(5).

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

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

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

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

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

  
Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



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**MAILED**

**FEB 27 2009**

In re Application of :  
Maschke :  
Application No. 11/524,608 :  
Filed: September 21, 2006 :  
Attorney Docket No. 2005P14449US :

OFFICE OF PETITIONS  
DECISION GRANTING PETITION  
UNDER 37 CFR 1.78(a)(3)

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed January 26, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed nonprovisional applications.

The petition is **GRANTED**.

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

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

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

**The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37**

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

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3230. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3737 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.



Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions

**ATTACHMENT:** Corrected Filing Receipt



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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/524,608, 09/21/2006, 3737, 1000, 2005P14449US, 20, 3

CONFIRMATION NO. 8657

CORRECTED FILING RECEIPT



22116
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Date Mailed: 02/27/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Michael Maschke, Lonnerstadt, GERMANY;

Assignment For Published Patent Application

SIEMENS AKTIENGESELLSCHAFT

Power of Attorney: The patent practitioners associated with Customer Number 22116

Domestic Priority data as claimed by applicant

This application is a CIP of 10/989,167 11/15/2004
and is a CIP of 11/055,868 02/11/2005

Foreign Applications

GERMANY 10 2005 045 071.7 09/21/2005

If Required, Foreign Filing License Granted: 10/19/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/524,608

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

Catheter device with a position sensor system for treating a vessel blockage using image monitoring

**Preliminary Class**

600

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

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

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

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

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

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

**LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

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

**GRANTED**

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

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

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

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

**NOT GRANTED**

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



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OFFICE OF PETITIONS

ON PETITION

In re Application of :  
Boustany, et al. :  
Application No. 11/524,618 :  
Filed: September 21, 2006 :  
Attorney Docket No. 5405-225CT :

This is a decision on the petition filed November 8, 2006, requesting withdrawal of the October 11, 2006 Notice of Omitted Items in a Nonprovisional Application. The petition is being treated under 37 CFR 1.53(e)(2).

The petition is **dismissed**.

On September 21, 2006, the application was filed. However, on October 11, 2006, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items in a Nonprovisional Application (Notice), stating that the application had been accorded a filing date of September 21, 2006, and advising applicants that Figures 1, 2, 3, 5, 8A and 8B appeared to have been omitted.

In response, on November 8, 2006, applicants filed the present petition, a petition fee, and 18 sheet(s) of drawings. Applicants explained that all intended drawings were filed on September 21, 2006.

It is obvious from the petition that no drawings were actually missing on September 21, 2006. Rather, petitioners referred to the drawings in an inconsistent manner in the specification. For example, the Brief Description of the Drawings describes a Figure 1 and Figure 1A, Figure 1B, Figure 1C, and Figure 1D. However, petitioners have explained that Figure 1 is intended as an introduction to the description of the figures recited immediately below the references in the Brief Description of the Drawings. The same argument is advanced for Figures 2, 3 and 5.

With respect to Figures 8A and 8B, petitioners admit that the references to Figures 8A and 8B were made in error. There is only supposed to be a Figure 8.

The Notice mailed on October 11, 2006 was correct in stating that Figures 1,2,3,5, 8A and 8B described in the specification appeared to have been omitted. Therefore, the Notice was proper and will not be withdrawn.

Accordingly, the petition is **DISMISSED**.

The petition fee will not be refunded because the present petition was not necessitated by any error on the part of the United States Patent and Trademark Office.

A preliminary amendment eliminating references to Figure 1, 2, 3, 5, 8A and 8B should be filed prior to the first action on the merits.

After the mailing of this decision, the application file will be returned to OIPE for further processing with a filing date of September 21, 2006, using the drawings filed on that date.

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



Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



**WILLIAM C. NORVELL, JR.**  
**BEIRNE, MAYNARD & PARSONS, L.L.P.**  
**SUITE 2500**  
**1300 POST OAK BOULEVARD**  
**HOUSTON TX 77056-3000**

**MAILED**

**FEB 24 2009**

In re Application of

**WARDLAW, Louis J.**

Application No. 11/524,624

Filed: September 21, 2006

Attorney Docket No. **002663.950483**

**OFFICE OF PETITIONS**

**DECISION ON PETITION**

**TO WITHDRAW**

**FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2009.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

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

The request cannot be approved because there is no indication that acts (1) thru (3) noted in the above-identified certifications have been performed. See PTO/SB/83 (11-08).

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

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

Tredelle D. Jackson  
Paralegal Specialist  
Office of Petitions

cc: **HOT-HET, INC.**  
**ATTN: MR. SAMER ALAZEM**  
**5322 HH ADDICKS-SATSUMA ROAD**  
**HOUSTON TX 77284-0305**



**WILLIAM C. NORVELL, JR.**  
**BEIRNE, MAYNARD & PARSONS, L.L.P.**  
**SUITE 2500**  
**1300 POST OAK BOULEVARD**  
**HOUSTON TX 77056-3000**

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**APR 27 2009**

**OFFICE OF PETITIONS**

In re Application of :

**WARDLAW, Louis J.** :

Application No. 11/524,624 :

Filed: September 21, 2006 :

Attorney Docket No. **002663.950483** :

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 03, 2009.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

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

The request cannot be approved because there is no indication that acts (1) thru (3) noted in the above-identified certifications have been performed. See PTO/SB/83 (11-08).

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

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

*Tredelle D. Jackson*  
Tredelle D. Jackson  
Paralegal Specialist  
Office of Petitions

cc: **HOT-HET, INC.**  
**ATTN: MR. SAMER ALAZEM**  
**5322 HH ADDICKS-SATSUMA ROAD**  
**HOUSTON TX 77284-0305**



**WILLIAM C. NORVELL, JR.  
BEIRNE, MAYNARD & PARSONS, L.L.P.  
SUITE 2500  
1300 POST OAK BOULEVARD  
HOUSTON TX 77056-3000**

**MAILED**

**JUN 15 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
<b>WARDLAW, Louis J.</b>	:	
Application No. 11/524,624	:	<b>DECISION ON PETITION</b>
Filed: September 21, 2006	:	<b>TO WITHDRAW</b>
Attorney Docket No. <b>002663.950483</b>	:	<b>FROM RECORD</b>
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed 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 William Norvell, Jr., the sole attorney of record. William Norvell 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 address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must

have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

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



Tredelle D. Jackson  
Paralegal Specialist  
Office of Petitions

cc: **WILLIAM C. NORVELL, JR.**  
**BEIRNE, MAYNARD & PARSONS, L.L.P.**  
**1300 POST OAK BOULEVARD, SUITE 2500**  
**HOUSTON TX 77056-3000**

cc: **HOT-HED, INC.**  
**ATTN: MR. SAMER ALZEM**  
**5322 HH ADDICKS-SATSUMA ROAD**  
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BECKMAN COULTER, INC.  
Mitchell E. Alter  
P.O. BOX 169015  
MAIL CODE 32-A02  
MIAMI, FL 33116-9015

Mail Date: 04/20/2010

Applicant : Ramon Simon-Lopez : DECISION ON REQUEST FOR  
Patent Number : 7586589 : RECALCULATION of PATENT  
Issue Date : 09/08/2009 : TERM ADJUSTMENT IN VIEW  
Application No : 11/524,635 : OF WYETH  
Filed : 09/21/2006 :  
:  
:

The Patentee's Request for Recalculation is **DISMISSED**.

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b) (2) (A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b) (4) (A) concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

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

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



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Commissioner for Patents  
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P.O. Box 1450  
Alexandria, VA 22313-1450  
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MOHAMED ELGAFI  
1343 S GERTRUDA AVE  
REDONDO BEACH CA 90277

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NOV 14 2006

**OFFICE OF PETITIONS**

In re Application of	:	
<b>ELGAFI</b>	:	
Application No. 11/524,647	:	DECISION ON PETITION
Filed: September 20, 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 October 24, 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. Elgafi'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 1754 for action on the merits commensurate with this decision.

Patricia Volpe  
Petitions Examiner  
Office of Petitions



DTS, INC.  
5171 CLARETON DRIVE  
AGOURA HILLS, CA 91301

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MAR 30 2009

**OFFICE OF PETITIONS**

In re Application of  
Michael W. Marcellin et al  
Application No. 11/524,650  
Filed: September 21, 2006  
Attorney Docket No. 555-23-414

:  
:  
:  
:  
:

ON PETITION

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the Issue fee and Publication fee in a timely manner in reply to the Notice of Allowance mailed October 20, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on January 21, 2009.

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

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

This matter is being referred to the Office of Data Management for further processing.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)  
D1W Dec-09

DTS, INC.  
5220 LAS VIRGENES ROAD  
CALABASAS CA 91302

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**DEC 09 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Marcellin et al. :  
Application Number: 11/524650 : ON PETITION  
Filing Date: 09/21/2006 :  
Attorney Docket Number: 555-23- :  
414 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed on October 8, 2009.

The petition is **DISMISSED**.

This application became abandoned on July 31, 2009, for failure to reply to the Notice of Allowance and Fee(s) Due mailed on April 30, 2009, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on August 26, 2009.

Petitioners assert that the holding of abandonment should be withdrawn because "the issue fee and publication fee had been timely paid." Specifically, petitioners assert that the issue and publication fees were previously paid on March 5, 2009, and "applicant was informed by the USPTO that no further action needed to be taken since the Issue Fee had been received."

Petitioners' arguments have been considered, but are not persuasive.

37 CFR 1.135(b) states that 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.

It is noted that the Notice of Allowance and Fee(s) Due mailed on April 30, 2009, states, in pertinent part, that **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.**

MPEP 1306 states that:

The issue fee and any required publication fee are due 3 months from the date of the Notice of Allowance. The amount of the issue fee and any required publication fee are shown on the Notice of Allowance. The Notice of Allowance will also reflect any issue fee previously paid in the application. The issue fee due does not reflect a credit for any previously paid issue fee in the application. If an issue fee has previously been paid in the application as reflected in the Notice of Allowance, the return of Part B (Fee(s) Transmittal form) will be considered a request to reapply the previously paid issue fee toward the issue fee that is now due. For example, if the application was allowed and the issue fee paid, but applicant withdrew the application from issue and filed a Request for Continued Examination (RCE) and the application was later allowed, the Notice of Allowance will reflect an issue fee amount that is due and the issue fee that was previously paid.

A review of the record reveals that an issue fee and publication fee were received on March 5, 2009. However, the Notice of Allowance and Fee(s) mailed on April 30, 2009 set a new requirement, and a new time period, for submission of the issue and publication fees. While petitioner is correct that an issue and publication fee were previously paid, petitioner was still required to return the PTOL-85(b) transmittal form to request that a previously paid issue fee and publication fee be applied to the issue and publication fees now due: petitioner was not relieved of the obligation of filing a reply to the Notice of Allowance. Simply put, the failure of applicant to timely file a reply to the Notice of Allowance and Fee(s) Due mailed on April 30, 2009, requesting that the previously paid amounts be applied to the issue and publication fee(s) now due constitutes a failure to timely file the issue fee.

Furthermore, petitioners' assertion that they were "informed by the USPTO that no further action needed to be taken" is not persuasive. As stated above, the Notice mailed on April 30, 2009, as well as the MPEP, clearly state that a reply was required. Further to this point, 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.<sup>1</sup>

In view of the above, the application was properly held abandoned or lapsed for failure to pay the issue fee.

#### **ALTERNATIVE VENUE**

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b), which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 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 failure to pay the publication fee, the required reply must include payment of the publication fee.

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

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

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

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

---

<sup>1</sup> 37 CFR 1.2

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  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

A reply may also be filed using the EFS-Web system of the USPTO.

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



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Form PTO/SB/64



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DM M-10

DTS, INC.  
5220 LAS VIRGENES ROAD  
CALABASAS CA 91302

**MAILED**

**MAR 26 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Marcellin et al. :  
Application Number: 11/524650 : ON PETITION  
Filing Date: 09/21/2006 :  
Attorney Docket Number: 555-23- :  
414 :

This is a decision on the petition under 37 CFR 1.137(b) filed on January 13, 2010.

The petition is **GRANTED**.

This application became abandoned on July 31, 2009, for failure to reply to the Notice of Allowance and Fee(s) Due mailed on April 30, 2009, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on August 26, 2009. The petition to withdraw the holding of abandonment filed on October 8, 2009, was dismissed on December 9, 2009.

Petitioner states that the issue fee and publication fee were previously paid on March 5, 2009, and requests that the fees be reapplied to the issue and publication fees now due. Receipt is acknowledged of the fees paid on March 5, 2009.

The issue and publication fee payments received on March 5, 2009, will be applied to the issue and publication fees now due.

The Office of Data Management is directed to apply the previous payments of the issue and publication fee to the fees due in the Notice of Allowance and Fee(s) due mailed on April 30, 2009.

The application is forwarded to the Office of Data Management for further processing.

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



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



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 :  
David Carr, et. al. :  
Application No. 11/524,660 :  
Filed: September 20, 2006 :  
Attorney Docket No. 9145.0030-00 :

DECISION ON PETITION  
TO WITHDRAW FROM  
RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed 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<sup>1</sup>. 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)<sup>2</sup>. See USPTO Form No. PTO/SB/96.

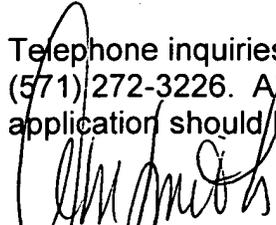
Additionally, the Office will also no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82).

<sup>1</sup> Practitioner should note that false certification may violate a practitioners' duty under 37 CFR 10.23(b)(4) and (b)(5).

<sup>2</sup> 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



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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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  
David Carr, et. al.  
Application No. 11/524,660  
Filed: September 20, 2006  
Attorney Docket No. 9145.0030-00

DECISION ON PETITION  
TO WITHDRAW FROM  
RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40, filed October 6, 2009.

The request is **NOT APPROVED AS MOOT.**

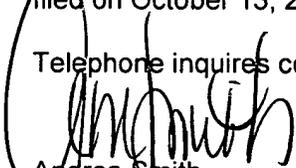
A review of the file record indicates that the power of attorney to Customer Number 22852 has been revoked by the assignee of the above application on November 12, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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 applicant.

This application is being referred to Technology Center Art Unit 2181 for review of the amendment filed on October 13, 2009.

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



Andrea Smith  
Petitions Examiner  
Office of Petitions

cc: FINNEGAN, HENDERSON, FARABOW  
GARRETT & DUNNER, LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413



UNITED STATES PATENT AND TRADEMARK OFFICE

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
11/524,660	09/20/2006	David Carr	70107.76 (IDT-2095)

CONFIRMATION NO. 8364

POWER OF ATTORNEY NOTICE



Date Mailed: 11/24/2009

cc:

22852  
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/12/2009.

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

/amsmith/

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 DEPARTMENT OF COMMERCE  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/524,660	09/20/2006	David Carr	70107.76 (IDT-2095)

**CONFIRMATION NO. 8364**

**POA ACCEPTANCE LETTER**



27683  
HAYNES AND BOONE, LLP  
IP Section  
2323 Victory Avenue  
Suite 700  
Dallas, TX 75219

Date Mailed: 11/24/2009

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 11/12/2009.

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

/amsmith/

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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BECKMAN COULTER, INC.  
Mitchell E. Alter  
P.O. BOX 169015  
MAIL CODE 32-A02  
MIAMI, FL 33116-9015

Mail Date: 04/20/2010

**Applicant** : Ramon Simon-Lopez : DECISION ON REQUEST FOR  
**Patent Number** : 7609369 : RECALCULATION of PATENT  
**Issue Date** : 10/27/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/524,682 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/21/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **548** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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Commissioner for Patents  
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P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Patent Issued :October 31, 2009  
Date Mailed : May 12, 2009  
Serial No. : 11/524685  
Patent No. :7,532,810 B2  
Inventor(s) :Jaideep Jayaram, et al.  
Title :PORTABLE ELECTRICAL APPLIANCE WITH DIAGNOSTIC SYSTEM

Re: Request for Certificate of Correction

Respecting the alleged error(s) in the References Cited, the patent is printed in accordance with the record, since there is no record of a 1449 or 892 with reference(s) considered by the Examiner.

In view of the foregoing, your request in this matter is denied. However, further consideration will be given your request in this matter upon receipt of a copy of the 1449 or 892 with the requested reference(s) considered by the Examiner.

A certificate of correction will issue for the remaining error noted in your request.

Magdalene Talley  
For Mary F. Diggs, Supervisor  
Decisions and Certificate  
Of Correction Branch  
(571) 272-0423  
FAX 571-270-9942

Sean . MacDavitt  
Hoffmann & Baron, LLP  
6900 Jericho Turnpike  
Syosset, NY 11791

MD/mt



# UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 04/20/2010

<b>Applicant</b>	: Kenji Kobayashi	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7623262	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/524,696	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/20/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **163** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



MERCK  
PATENT DEPARTMENT (K-6-1, 1990)  
2000 GALLOPING HILL ROAD  
KENILWORTH NJ 07033-0530

**MAILED**

JUL 02 2010

OFFICE OF PETITIONS

DECISION

In re Application of :  
Xia, et al. :  
Application No. 11/524,745 :  
Filed: 21 September, 2006 :  
Attorney Docket No: FC06533US01 :

This is a decision on the petition filed on 29 January, 2010, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

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

As to the Allegations  
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

*Petitioners attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).*

BACKGROUND

The record reflects as follows:

The Applicant failed to reply timely and properly to the final Office action mailed on 27 April, 2009, with reply due absent extension of time on or before 27 July, 2009.

The application went abandoned by operation of law after midnight 27 July, 2009

The Office mailed the Notice of Abandonment on 24 November, 2009.

On 29 January, 2010, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, a reply in the form of a request for continued examination (RCE) and fee and a submission

under the provisions of 37 C.F.R. §1.114 in the form of an amendment, and made a statement of unintentional delay.

*Petitioner also has submitted a request and fee for extension of time following the expiration of the statutory period, which Petitioner—as one registered to practice before the Office—knows is not proper. The fee is being refunded via Deposit Account 19-0365. Should Petitioner later find that the fee was not refunded, Petitioner should file a request with the Office of Finance and included therewith a copy of this decision.*

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

### STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).<sup>2</sup> The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.<sup>3</sup>))

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<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

<sup>2</sup> 35 U.S.C. §133 provides:

**35 U.S.C. §133 Time for prosecuting application.**

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

<sup>3</sup> Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

As to Allegations of  
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 2855 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<sup>4</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

---

<sup>4</sup> The regulations at 37 C.F.R. §1.2 provide:  
**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.


**UNITED STATES PATENT AND TRADEMARK OFFICE**

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 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
11/524,746	09/21/2006	1645	4650	3687.1000-034		34	14

**CONFIRMATION NO. 9443**

 021005  
 HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
 530 VIRGINIA ROAD  
 P.O. BOX 9133  
 CONCORD, MA 01742-9133

**CORRECTED FILING RECEIPT**


\*OC00000021165297\*

Date Mailed: 11/08/2006

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

**Applicant(s)**

 Lynn Doucette-Stamm, Framingham, MA;  
 David Bush, Somerville, MA;  
 Qiandong Zeng, Waltham, MA;  
 Timothy Opperman, Somerville, MA;  
 Chad Eric Houseweart, Waltham, MA;

**Power of Attorney:** The patent practitioners associated with Customer Number **021005**.

**Domestic Priority data as claimed by applicant**

 This application is a DIV of 11/027,892 12/30/2004  
 which is a CON of 10/640,833 08/14/2003 ABN  
 which is a CON of 09/583,110 05/26/2000 PAT 6,699,703  
 which is a CIP of 09/107,433 06/30/1998 PAT 6,800,744  
 which claims benefit of 60/085,131 05/12/1998  
 and claims benefit of 60/051,553 07/02/1997

**Foreign Applications**
**If Required, Foreign Filing License Granted: 10/12/2006**
**The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/524,746****
**Projected Publication Date: 02/15/2007**

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Nucleic acid and amino acid sequences relating to Streptococcus pneumoniae for diagnostics and therapeutics

**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).

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

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING

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

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

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

#### **NOT GRANTED**

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



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YAHOO C/O MOFO PALO ALTO  
755 PAGE MILL ROAD  
PALO ALTO, CA 94304

**MAILED**

MAY 10 2010

In re Application of : OFFICE OF PETITIONS  
Xuejun Wang et al. :  
Application No. 11/524,747 : DECISION ON PETITION  
Filed: September 20, 2006 : TO WITHDRAW  
Attorney Docket No. 085804-702706 : FROM RECORD  
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed March 18, 2010.

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 76102 has been revoked by the applicants of the patent application on April 16, 2010. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

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

/JoAnne Burke/  
JoAnne Burke  
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

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AMSTER, ROTHSTEIN & EBENSTEIN LLP  
90 PARK AVENUE  
NEW YORK, NY 10016

Mail Date: 04/21/2010

Applicant : Edward P. Erdman : DECISION ON REQUEST FOR  
Patent Number : 7666176 : RECALCULATION of PATENT  
Issue Date : 02/23/2010 : TERM ADJUSTMENT IN VIEW  
Application No : 11/524,762 : OF WYETH  
Filed : 09/21/2006 :  
:  
:

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.



**PATENT GROUP 2N  
JONES DAY  
NORTH POINT  
901 LAKESIDE AVENUE  
CLEVELAND OH 44114**

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**MAR 31 2008**

In re Application of :  
Milan MARKOVIC et al. :  
Application No. 11/524,776 : **DECISION ON PETITION**  
Filed: September 21, 2006 :  
Attorney Docket No. 904786600007 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 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 January 23, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed October 23, 2007. Accordingly, the date of abandonment of this application is January 24, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$720 and the publication fee of \$300, (2) the petition fee of \$770; and (3) a proper statement of unintentional delay.

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

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

This application is being referred to Publishing Division for processing into a patent.

A handwritten signature in black ink, appearing to read 'David Bacci', with a stylized flourish extending to the right.

David Bacci  
Petitions Examiner  
Office of Petitions



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CHARLES C. MCCLOSKEY  
763 S. NEW BALLAS ROAD  
SUITE 170  
ST. LOUIS, MO 63141

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JAN 26 2009

**OFFICE OF PETITIONS**

In re Application of :  
Steve L. Jantzen :  
Application No. 11/524,795 : **DECISION ON PETITION**  
Filed: September 21, 2006 :  
Attorney Docket No. SLJ-10 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 9, 2008, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to Incomplete Reply (Notice), mailed October 12, 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 December 13, 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 reply, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

The petition is **GRANTED**.

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

This application is being referred to the Office of Patent Application Papers for processing to the reply received October 9, 2008.

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>APPLICANT: Jantzen, Steve L.</b>	<b>GAU: 3611</b>
<b>SERIAL NO: 11/524,795</b>	<b>EXAMINER: n/a</b>
<b>FILED: 09/21/2006</b>	<b>St. Louis, Missouri</b>
<b>FOR: Mini-Container Unit</b>	<b>Date: October 9, 2008</b>
	<b>DN: SLJ-10</b>

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE TO NOTICE TO FILE**  
**CORRECTED APPLICATION PAPERS**

Dear Sir:

This response is to the Notice to File Corrected Application Papers mailed on or about January 9, 2007. This application has had a long and winding path. Due to a change in attorney, this Response is submitted well beyond the close of the response period but as a component in a petition to revive.

Remarks begin on page 2.

Adjustment date: 01/26/2009 CKHLOK  
10/10/2008 INTEFSW 00002155 11524795  
03 FC:1808 -130.00 OP  
  
01/26/2009 CKHLOK 00000001 11524795  
01 FC:2311 110.00 OP  
02 FC:9998 20.00 OP

**REMARKS**

Previously, the Office requested payment of a filing fee shortage and a surcharge to complete this application in a Notice to File Corrected Application Papers mailed January 9, 2007. Following mailing of the Notice, the Applicant changed attorneys.

After the Applicant has reviewed the Notice, the application examination fee, surcharge, and FY2009 filing fee increase have been provided.

In view of the foregoing remarks and submission of the fee shortfall, this application is believed to be in condition for initial examination. Favorable action by the examiner is respectfully requested.

Respectfully Submitted,



Charles C. McCloskey  
Attorney for Applicant  
Pat. Off. Reg. No. 46,911  
763 South New Ballas Road  
St. Louis, MO 63141  
(314) 872-8136

## Electronic Patent Application Fee Transmittal

<b>Application Number:</b>	11524795			
<b>Filing Date:</b>	21-Sep-2006			
<b>Title of Invention:</b>	Mini container handling unit			
<b>First Named Inventor/Applicant Name:</b>	Steve L. Jantzen			
<b>Filer:</b>	Charles McCloskey			
<b>Attorney Docket Number:</b>	SLJ-10			
Filed as Small Entity				
<b>Utility under 35 USC 111(a) Filing Fees</b>				
<b>Description</b>	<b>Fee Code</b>	<b>Quantity</b>	<b>Amount</b>	<b>Sub-Total in USD(\$)</b>
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
Late filing fee for oath or declaration	2051	1	65	65
<b>Petition:</b>				
Petition-revive unintent. abandoned appl	2453	1	810	810
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Extension-of-Time:</b>				
<b>Miscellaneous:</b>				
Processing Fee, except for Provis. apps	1808	1	130	130
<b>Total in USD (\$)</b>				<b>1005</b>



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ZILKA-KOTAB, PC- MRM1  
P.O. BOX 721120  
SAN JOSE, CA 95172-1120

**MAILED**

**MAR 31 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
Suresh Natarajan Rajan, et al.	:	
Application No. 11/524,811	:	DECISION DISMISSING PETITION
Filed: September 20, 2006	:	UNDER 37 CFR 1.313(a)
Docket No. MRM1P010/SMITH0019U	:	

This is a decision on the petition under 37 CFR 1.313(a), filed March 30, 2009, requesting that the above-identified application be withdrawn from issue. A Request for Continued Examination (RCE) and an Information Disclosure Statement (IDS) accompanied the present petition.

The petition is dismissed as moot.

Since the RCE was filed within the period set for paying the issue fee, as required by the Notice of Allowance and Issue Fee Due mailed February 10, 2009, prosecution is reopened in the present application. Consequently, a petition under 37 CFR 1.313 is not necessary.

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

This application is being referred to Technology Center AU 2824 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the concurrently filed IDS in accordance with 37 CFR 1.114.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



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Michael B. Martin  
Patent and Licensing Department  
Nalco Company  
1601 West Diehl Road  
Naperville IL 60563-1198

**COPY MAILED**

**DEC 31 2007**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Tran et al.	:	
Application No. 11/524,815	:	<b>DECISION ON PETITION</b>
Filed: September 21, 2006	:	<b>UNDER 37 CFR 1.137(b)</b>
Attorney Docket No. 000049459	:	

This is a decision on the petition, filed September 21, 2007, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on May 22, 2007. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

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

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

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

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of April 10, 2008 accompanies this decision on petition.

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

This application is being referred to Technology Center Art Unit 1797 for examination in due course.

A handwritten signature in black ink, appearing to read "Charlema Grant", with a stylized flourish at the end.

Charlema Grant  
Petitions Attorney  
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Table with 4 columns: APPLICATION NUMBER (11/524,815), FILING OR 371(C) DATE (09/21/2006), FIRST NAMED APPLICANT (Bo L. Tran), ATTY. DOCKET NO./TITLE (000049459)

Michael B. Martin
Patent and Licensing Department
Nalco Company
1601 West Diehl Road
Naperville, IL 60563-1198

CONFIRMATION NO. 8077
NONPUBLICATION RESCISSION
LETTER



Date Mailed: 12/31/2007

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 04/10/2008.

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

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

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

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



PAUL V. KELLER, LLC  
4585 LIBERTY RD.  
SOUTH EUCLID OH 44121

APR 18 2007

In re Application of: MARWITZ :  
Serial No.: 11/524,843 :  
Filed: September 21, 2006 :  
Title: CATALYST TO IMPROVE LOW :  
TEMPERATURE DENOX ACTIVITY IN A :  
REFORMER-LNT EXHAUST AFTERTREATMENT :  
SYSTEM :  
DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

This is a decision on the petition filed on September 21, 2006 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

#### REGULATION AND PRACTICE

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

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.
5. The petition must be filed with the application.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the application, at the time of filing the application was not filed electronically

using the USPTO's electronic filing system (EFS), or EFS-web. Alternatively, if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours has not been provided. Further, the required petition fee has not been received. As noted in the policy statement referenced above, any petition to make special filed on or after the effective date must meet the new requirements set forth in the 71 Fed. Reg. 36323 notice.

The petition appears on its face to have been filed without recognition of the August 25, 2006 policy change to the petition to make special program. The changes to the program are substantial. Guidance may be found at [www.USPTO.gov](http://www.USPTO.gov) under the accelerated examination link.

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 J. Harrison, TC 3700 Special Program Examiner, at (571) 272-4449.



---

J. Harrison  
Special Program Examiner  
Technology Center 3700



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c/o CPA Global  
P.O. BOX 52050  
MINNEAPOLIS MN 55402

**MAILED**  
**MAY 10 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
Ronen Zohar, et al. :  
Application No. 11/524,852 : **DECISION ON PETITION**  
Filed: September 20, 2006 :  
Attorney Docket No. P24840 :

This is a decision on the petition, filed July 14, 2009, under the unintentional provisions of 37 CFR 1.137(b), which is being treated as a petition under 37 CFR 1.181, requesting withdrawal of the holding of abandonment in the above-identified application.

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

This application was held abandoned for failure to timely respond to the Office action of November 7, 2008, which set a One (1) month shortened statutory period for reply. Accordingly, a reply was due on or before December 7, 2008, or on or before May 7, 2009, with payment for a five (5)-month extension of time. A Notice of abandonment was mailed May 27, 2009.

Petitioner contends that the Notice of Abandonment should be withdrawn as a timely reply was mailed on May 12, 2009, with a certificate of mailing dated May 7, 2009, which included the following papers: A transmittal letter, a petition for five (5)-month extension of time, and an amendment to claims.

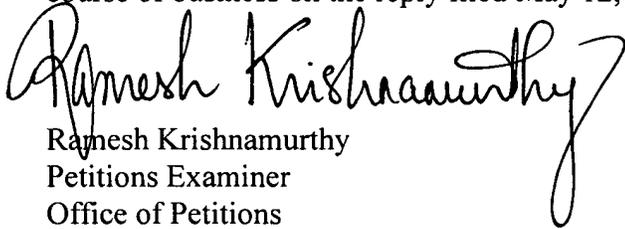
The file record does indicate receipt of the \$ 2350 fee (for a five (5)-month extension of time) by the Office on May 12, 2009, along with the papers noted above bearing a certificate of mailing dated May 7, 2009. Thus, the response filed May 12, 2009, was timely.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is hereby restored to pending status.

The petition fee of \$1620 included with this petition is unnecessary and is being credited to Deposit Account 50-0221, as authorized.

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

This application is being referred to Technology Center AU 2181 for appropriate action in the normal course of business on the reply filed May 12, 2009.

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

Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



PAUL V. KELLER, LLC  
4585 LIBERTY RD.  
SOUTH EUCLID OH 44121

DEC 18 2006

In re Application of: HU et al. :  
Serial No.: 11/524,853 :  
Filed: September 20, 2006 :  
Title: HYBRID CATALYST SYSTEM FOR EXHAUST :  
EMISSIONS REDUCTON :  
: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37  
: C.F.R. § 1.102 & M.P.E.P. §  
: 708.02

This is a decision on the petition filed on September 20, 2006 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

#### REGULATION AND PRACTICE

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

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was filed with more than three independent claims.

The petition appears on its face to be filed without recognition of the August 25, 2006 policy change to the petition to make special program. The changes to the program are substantial. A copy of Federal Register on June 26, 2006 (71 Fed. Reg. 36323) is being attached to the mailed decision for petitioner's review. Further guidance may be found at [www.USPTO.gov](http://www.USPTO.gov) under the accelerated examination link.

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 J. Harrison, TC 3700 Special Program Examiner, at (571) 272-4449.



---

J. Harrison  
Special Program Examiner  
Technology Center 3700



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Paper No.

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PROPERTY GROUP  
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BLDG C2 SOUTH  
ENGLEWOOD CLIFFS NJ 07632-3100

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**MAY 23 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Dyks et al. : DECISION ON PETITION  
Application No. 11/524,860 :  
Filed: September 21, 2006 :  
Attorney Docket No. F3396(C) :

This is a decision on the PETITION UNDER 37 C.F.R. §1.57(a) AND AMENDMENT filed December 11, 2006.

Application papers in the above-identified application were deposited on September 21, 2006. However, on October 12, 2006, the Office mailed a NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION, stating that the application papers had not been accorded a filing date because the application was filed without drawings.

On December 11, 2006, applicants filed the instant petition. Applicants petition under 37 CFR §1.57(a) for entry of an amendment to enter enclosed new informal drawings. Applicants state that the new drawing sheets correspond to sheets in the priority application, European Patent Application No. 05255824.4, supply a copy of the priority application, including the inadvertently omitted drawings.

35 U.S.C. 111(a)(4) provides that:

The filing date of an application shall be the date on

which the specification and any required drawing are received in the Patent and Trademark Office.

In this instance, it is controlling that a review of the application confirms that as filed the application contained at least one process 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).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. Thus, the application is entitled to a filing date without drawings present in the application.

To the extent the instant petition requests a filing date of September 21, 2006 with no drawings present in the application, the petition is GRANTED.

Pursuant to 37 CFR 1.57(f), the amendment filed December 11, 2006 will be considered by the examiner. See also MPEP 601.01(d).

It is noted that since the filing of the petition, the filing date was changed to December 11, 2006, the later date of filing of the drawings. Given the presence of process claims in the application, this was incorrect.

Given the basis for granting this petition, the petition fee is being refunded to Deposit Account No. 12-1155, as authorized.

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 September 21, 2006 using the application papers received in the Office on that date and without any drawings;
- mailing of a corrected filing receipt. (The filing receipt mailed March 6, 2007 is incorrect); and
- processing of the declaration filed on February 15, 2007 in response to the Notice mailed October 12, 2006 (with an

accompanying petition and fee for a one-month extension of time).

Telephone inquiries related to this decision should be directed to Nancy Johnson, Senior Petitions Attorney at 571-272-3219.

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

Charles Pearson  
Director  
Office of Petitions



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LEON D. ROSEN  
FREILICH, HORNBAKER & ROSEN  
SUITE 1220  
10960 WILSHIRE BLVD.  
LOS ANGELES, CA 90024

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AUG 13 2007  
**OFFICE OF PETITIONS**

In re Application of	:	
FYMAT, Alain L. et al.	:	
Application No. 11/524, 866	:	DECISION ON PETITION
Filed: September 21, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 06/138	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 21, 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 licenses evidence that Alain L. Fymat, Max Harry Weil, and Joe Bisera are over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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 3735 for action on the merits commensurate with this decision.

*Terri Williams*  
Terri Williams  
Petitions Examiner  
Office of Petitions





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Stanley P. Fisher  
Reed Smith LLP  
Suite 1400  
3110 Fairview Park Drive  
Falls Church, VA 22042-4503

Mail Date: 04/21/2010

<b>Applicant</b>	: Eiichi Tanaka	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7634647	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/524,879	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/22/2006	: 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.



OLIFF & BERRIDGE, PLC  
P.O. BOX 19928  
ALEXANDRIA VA 22320

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**JAN 23 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Hideyoshi Horimai :  
Application No. 11/524881 : DECISION ON PETITION  
Filed: 22 September, 2006 :  
Atty Docket No. 106357.10 :

This is a decision on the "PETITION IN RESPONSE TO NOTICE OF OMITTED ITEMS" filed on 3 November, 2006, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date of 22 September, 2006, with page 2 of the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 22 September, 2006.

Accordingly, on 12 October, 2006, Initial Patent Examination Division mailed a Notice of Omitted Items in a Nonprovisional Application, stating that the application had been accorded a filing date of 22 September, 2006, but that Page 2 of the specification (description and claims) appeared to have been omitted.

In response, on 3 November, 2006, the present petition and a copy of, *inter alia*, page 2 of the specification, were filed. Petitioner argues that Page 2 was filed with the other application papers on 22 September, 2006, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's hand-stamped itemized receipt was supplied with the present petition. The itemized receipt shows an "Office date" stamp of 22 September, 2006, and the above-identified application number, and identifies the application by the attorney docket number, inventor's name, and invention title, and acknowledges receipt of, *inter alia*, "92 total pages - Spec, Claims(13)/Abstract." Petitioner requests that the application, including Page 2 of the specification, be accorded a filing date of 22 September, 2006.

A review of the record reveals that 91 pages, numbered 1 and 3-92, comprising the specification, including the claims and one (1) page of abstract, were received on 22 September, 2006. No Page 2 of the specification is located among the pages received on that date. However, the evidence is convincing that the application papers deposited on 22 September, 2006, included Page 2 of the specification, which was subsequently misplaced in the Office. Therefore, the application, including Page 2 of the specification, is entitled to a filing date of 22 September, 2006.

The "Notice" mailed on 12 September, 2006, is vacated.

In view of the above, the petition is granted. The petition fee will be refunded to counsel's deposit account, as the petition was necessitated by Office error.

The application will be processed with the copy of Page 2 of the specification supplied on 3 November, 2006, as a part of the original disclosure.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 22 September, 2006, using the application papers filed on that date and the copy of Page 2 of the specification supplied with the present petition.

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



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



ENRIQUE D. LONGTON  
MILBANK, TWEED, HADLEY & MCCLOY LLP  
1850 K STREET, N.W. SUITE 1100  
WASHINGTON, D.C. 20006

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APR 06 2009

**OFFICE OF PETITIONS**

Applicant: Navarre, et al.

Appl. No.: 11/524,950

Filing Date: September 22, 2006

Title: METHOD FOR DISTRIBUTING VIDEO CLIPS PRODUCED USING CHROMA KEY PROCESSING

Attorney Docket No.: 39089.00000US

Pub. No.: US 2008/0077963 A1

Pub. Date: March 27, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 8, 2008, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein he would like Thomas Jamieson to be added as an inventor.

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.<sup>1</sup>

The instant request filed on August 8, 2008 is not timely filed.

The application published with inventorship as provided on filing.

Moreover, the omission of an inventor's name and residence does not affect the understanding of the application. The mistakes do not affect the public's ability to appreciate the technical

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

disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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

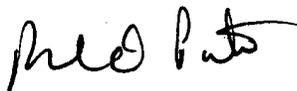
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/ebc/portal/tutorials.htm>

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

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

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



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



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**MAIER & MAIER, PLLC  
1000 DUKE STREET  
ALEXANDRIA VA 22314**

**MAILED**

**JUL 16 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Dusic KWAK :  
Application No. 11/524,954 :  
Filed: September 22, 2006 :  
Attorney Docket No. KWAK-002-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 May 18, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because the attorney of record was not appointed through use of Customer Number 62008, as indicated. In this regard, since the attorney of record was appointed by being named as an individual, any future request should indicate the same designation for withdrawing the attorney.

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

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

/dcg/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions



**MAIER & MAIER, PLLC  
1000 DUKE STREET  
ALEXANDRIA VA 22314**

**MAILED**

**JUL 22 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Dusic KWAK : CORRECTED  
Application No. 11/524,954 : DECISION ON PETITION  
Filed: September 22, 2006 : TO WITHDRAW  
Attorney Docket No. KWAK-002-US : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 18, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because the attorneys of record were not appointed through use of Customer Number 62008, as indicated. In this regard, since the attorney of record was appointed by being named as an individual, any future request should indicate the same designation for withdrawing the attorney.

All future communications from the Office will be directed to the address indicated above until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/dcg/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions



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PAUL D. YASGER  
ABBOTT LABORATORIES  
100 ABBOTT PARK ROAD  
DEPT. 377/AP6A  
ABBOTT PARK, IL 60064-6008

Mail Date: 04/20/2010

**Applicant** : John F. Bauer : DECISION ON REQUEST FOR  
**Patent Number** : 7659405 : RECALCULATION of PATENT  
**Issue Date** : 02/09/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/524,972 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/21/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **129** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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P.O. Box 2005  
Tarrytown, NY 10591

Mail Date: 04/20/2010

**Applicant** : Stewart Todd Elder : DECISION ON REQUEST FOR  
**Patent Number** : 7618697 : RECALCULATION of PATENT  
**Issue Date** : 11/17/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/524,980 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/21/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **535** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**Bracewell & Giuliani LLP**  
**P.O. Box 61389**  
**Houston, TX 77208-1389**

**MAILED**

APR 16 2009

In re Application of  
Holy C. MacDonald Korth, et al.  
Application No. 11/524,985  
Filed: September 21, 2006  
Attorney Docket No. 064741.130

OFFICE OF PETITIONS

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 22, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the second named inventor Samuel Jacob Peterson at the address indicated below.

There is an outstanding Office action mailed January 29, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.



Terri Williams  
Petitions Examiner  
Office of Petitions

cc: **Samuel Jacob Peterson**  
**278 N 450 East**  
**Orem, UT 84097**

cc: **Clayton, Howarth & Cannon, P.C.**  
**P.O. Box 1909**  
**Sandy, UT 84091**



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United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/524,985	09/21/2006	Holly C. MacDonald Korth	064741.130

35979  
BRACEWELL & GIULIANI LLP  
P.O. BOX 61389  
HOUSTON, TX 77208-1389

**CONFIRMATION NO. 8779**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 04/15/2009

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 01/22/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



CLAYTON, HOWARTH & CANNON, P.C.  
P.O. BOX 1909  
SANDY UT 84091

**MAILED**

**MAY 25 2010**

**OFFICE OF PETITIONS**

In re Application of  
Holly C. Macdonald Korth et al.  
Application No. 11/524,985  
Filed: September 21, 2006  
Attorney Docket No. PA-00007

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**ON PETITION**

This is a decision on the petition filed April 5, 2010, to withdraw the holding of abandonment, which is being treated under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**.

A Final Office Action was mailed October 5, 2009 which set a three month period for response. A response was filed December 7, 2009, but by Advisory Action of December 29, 2009, petitioner was advised that the response did not place the application in condition for allowance. Accordingly, a Notice of Abandonment was mailed March 31, 2010.

Petitioner argues that in response to the Final Office Action, a Request for Continued Examination (RCE), and amendment as the submission under 37 CFR 1.114, is being filed herein, pursuant to 37 CFR 1.136 with a three month extension of time request prior to expiration of the maximum period obtainable for reply, thus the Notice of Abandonment was mailed in error.

A search of the USPTO records reveals that in fact, an RCE, amendment and extension of time, extending the response date to April 5, 2010 are filed with the instant petition. In view thereof, the response was timely and the Notice of Abandonment mailed March 31, 2010 was mailed in error. By Notice mailed April 7, 2010, the Notice of Abandonment mailed March 31, 2010 was withdrawn. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 3691 for processing the RCE filed April 5, 2010.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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FOX ROTHSCHILD LLP  
PRINCETON PIKE CORPORATE CENTER  
997 LENOX DRIVE  
BLDG. #3  
LAWRENCEVILLE, NJ 08648

Mail Date: 04/20/2010

<b>Applicant</b>	: Stephen J. Davis	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7575527	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/524,990	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/20/2006	: 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.



LOUIS J. WILLE  
BRISTOL-MYERS SQUIBB COMPANY  
PATENT DEPARTMENT  
P O BOX 4000  
PRINCETON NJ 08543-4000

**COPY MAILED**

SEP 21 2007

OFFICE OF PETITIONS

In re Application of  
Chaidambaram et al.  
Application No. 11/524,998  
Filed: September 21, 2006  
Attorney Docket No. 10518 NP

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:  
: DECISION REFUSING STATUS  
: UNDER 37 CFR 1.47(a)  
:  
:

This is in response to the petition filed January 16, 2007 (certificate of mailing January 11, 2007), under 37 CFR. §1. 47(a).

The petition under 37 CFR. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR. §1.136(a).

The above-identified application was filed on September 21, 2006, without a fully executed oath or declaration. Accordingly, on October 13, 2006, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring, for the purposes of this decision, an executed oath or declaration in compliance with § 1.63 and a surcharge for its late filing. This Notice set an extendable two-month period for reply of December 13, 2006. To make the reply timely, a one (1) month extension of time is being charged to deposit account no. 19-3880.

A grantable petition under 37 CFR. §1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been

presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition does not satisfy requirement(s) (2) and (4).

As to item (2), the declaration submitted does not comply with 37 CFR 1.63. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. See MPEP 201.03. The first page of the Declaration does not list all inventors and the Declaration does not include page numbers --i.e. 1 of 2; 2 of 2. Instead the Declaration submitted with the present petition identifies each inventor individually on a separate sheet paper without reference to the other joint inventors. The declaration executed by inventor Varia does not indicate that there are additional inventors and does not indicate additional forms were attached. A new declaration executed by inventor Varia is required.

As to item (4), in situations where an inventor does not execute the oath or declaration and the inventor is not deceased, such as in an application filed under 37 CFR 1.47, the inventor's most recent home address must be given to enable the Office to communicate directly with the inventor as necessary. See MPEP 605.03. The address provided in the declaration and in the petition appear to be a business address. The last known address must be supplied in an executed declaration or signed supplemental application data sheet (ADS).

Although petitioner has established that inventor Lee has refused to execute the application papers, petitioner needs to attempt to locate a home address where inventor Lee can be reached. This can be achieved by doing an internet search. To the extent a home address cannot be located a statement to that effect should be provided with documentary evidence.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

By facsimile:

(571) 273-8300

By delivery service:  
(FedEx, UPS, DHL, etc.)

U.S. Patent and Trademark Office  
Customer Service Window,  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

A handwritten signature in cursive script, appearing to read "Charlema R. Grant". The signature is written in black ink and is positioned above the printed name.

Charlema R. Grant  
Petitions Attorney  
Office of Petitions



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DEC 19 2007

**OFFICE OF PETITIONS**

LOUIS J. WILLE  
BRISTOL-MYERS SQUIBB COMPANY  
PATENT DEPARTMENT  
P O BOX 4000  
PRINCETON NJ 08543-4000

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DEC 19 2007

**OFFICE OF PETITIONS**

In re Application of  
Ramakrishnan Chidambaram, George Derbin, :  
Maskai Endo, Julia Gao, Tu Lee, Rajeshwar :  
Motheram, William Parker, Victor Rosso and :  
Sailesh Varia :  
Application No.11/524,998 :  
Filed: September 21, 2006 :  
Attorney Docket Number: 10518 NP :  
Title of Invention: Oral Administration of N-(2- :  
chloro-6-methylphenyl)-2-[[6-[4-(2- :  
hydroxyethyl)-1-piperazinyl]-2-methyl-4- :  
pyrimidinyl]amino]-1,3-thiazole-5-carboxamide :  
and Salts Thereof :

DECISION GRANTING STATUS  
UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed November 15, 2007.

The petition is GRANTED.

Petitioner has shown that diligent effort was used to locate and obtain the signature of non-signing inventor Lee. The petition attest a copy of the application papers 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. It is further noted on renewed petition, inventor Lee refused to provide a home address.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, reading "Charlema R. Grant". The signature is written in a cursive, flowing style.

Charlema R. Grant  
Petitions Attorney  
Office of Petitions



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Commissioner for Patents  
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Alexandria, VA 22313-1450  
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DEC 19 2007

OFFICE OF PETITIONS

**COPY MAILED**

DEC 19 2007

OFFICE OF PETITIONS

Tu Lee  
No. 300, Jhongda Road  
Jhongli City, Taoyuan County  
Taiwan, ROC  
Airmail

In re Application of  
Ramakrishnan Chidambaram, George Derbin,  
Maskai Endo, Julia Gao, Tu Lee, Rajeshwar  
Motheram, William Parker, Victor Rosso and  
Sailesh Varia  
Application No. 11/524,998  
Filed: September 21, 2006  
Attorney Docket Number: 10518 NP  
Title of Invention: Oral Administration of N-(2-  
chloro-6-methylphenyl)-2-[[6-[4-(2-hydroxyethyl)-1-  
piperazinyl]-2-methyl-4-pyrimidinyl]amino]-1,3-  
thiazole-5-carboxamide and Salts Thereof

LETTER

Dear Mr. Lee:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 118 (United States Code) and 37 CFR 1.47(b). Should a patent be granted on the application you will be designated therein as a joint inventor.

As the named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Charlema R. Grant at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Charlema R. Grant  
Petitions Attorney  
Office of Petitions

LOUIS J. WILLE  
BRISTOL-MYERS SQUIBB COMPANY  
PATENT DEPARTMENT  
P O BOX 4000  
PRINCETON NJ 08543-4000



**MERCK AND CO., INC**  
**P O BOX 2000**  
**RAHWAY, NJ 07065-0907**

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**DEC 02 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
<b>Anne GURNETT, et al.</b>	:	
Application No. 11/525,062	:	DECISION ON PETITION
Filed: September 21, 2006	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. <b>20362DB</b>	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 30, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The rule at 37 CFR § 1.78(a)(3) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR § 1.78(a)(3). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

**The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.**

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Monica A. Graves at (571) 272-7253. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1656 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.



Thurman K. Page  
Petitions Examiner  
Office of Petitions

**ATTACHMENT:** Corrected Filing Receipt



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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Table with 6 columns: APPLICATION NUMBER, FILING or 371(e) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/525,062, 09/21/2006, 1656, 2520, 20362DB, 9, 4

CONFIRMATION NO. 8196

CORRECTED FILING RECEIPT



0C000000039048578

210
MERCK AND CO., INC
P O BOX 2000
RAHWAY, NJ 07065-0907

Date Mailed: 12/02/2009

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)

- Anne Gurnett, New York, NY;
Robert Donald, South Orange, NJ;
Georgianna Harris, Tinton Falls, NJ;
Paul A. Liberator, Holmdel, NJ;
Dennis Schmatz, Cranford, NJ;
Sandra J. Rattray, Somerset, NJ;

Power of Attorney:

Jack Tribble--32633
Vineet Kohli--37003

Domestic Priority data as claimed by applicant

This application is a DIV of 10/348,155 01/21/2003 PAT 7,125,700
which is a DIV of 09/521,511 03/08/2000 PAT 6,555,358
which claims benefit of 60/129,058 04/13/1999

Foreign Applications

If Required, Foreign Filing License Granted: 10/04/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/525,062

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

Cyclic GMP dependent protein kinase as a chemotherapeutic target for antiprotozoal agents

**Preliminary Class**

435

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER****Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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United States Patent and Trademark Office  
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BRINKS HOFER GILSON & LIONE/INFINEON  
INFINEON  
PO BOX 10395  
CHICAGO IL 60610

MAILED

NOV 06 2009

In re Patent No. 7,557,444 :  
Gratz et al. :  
Issue Date: July 7, 2009 :  
Application No. 11/525,107 : LETTER REGARDING  
Filed: September 20, 2006 : PATENT TERM ADJUSTMENT  
Title: Power-Via Structure For : AND NOTICE OF INTENT TO ISSUE  
Integration In Advanced : A CERTIFICATE OF CORRECTION  
Logic/Smart-Power Technologies :

OFFICE OF PETITIONS

This is in response to the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT", filed July 2, 2009. Pursuant to their duty of candor and good faith to the Office, patentees disclose that the Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) may be less than 146 days.

The request for reconsideration of the patent term adjustment indicated in the patent is **GRANTED**.

Patentee is given THIRTY (30) DAYS or ONE (1) MONTH, whichever is longer, from the mail date of this decision to respond to this decision. No extensions of time will be granted under 37 CFR 1.136.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of sixty-two (62) days.

On July 7, 2009, the above-identified application matured into U.S. Patent No. 7,557,444 with a revised patent term adjustment of one hundred forty-six (146) days. On July 2, 2009, patentees filed the instant comment.

Patentees are correct that a reduction should have been entered based on 37 CFR 1.704(b). An eighty four-day period for reduction should have been taken based upon 37 CFR §1.704(b).

37 CFR §1.704(b) provides:

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.

In this instance the reply to the Notice to File Missing Parts was not received until April 4, 2007, 84 days after the three months from the mailing of the Notice to File Missing Parts. Thus, the total calculation for applicant delay is 114 days.

In view thereof, the patent term adjustment indicated on the patent should be sixty-two (62) (176-84-30) days.

As this letter was submitted as an advisement to the Office of an error against patentees' favor, the Office will not assess the \$200.00 fee under 37 CFR 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 in order to rectify this error. After the thirty (30 day) or one month period has elapsed, the Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by sixty-two (62) days.

Telephone inquiries specific to this matter should be directed to the Petitions Attorney Charlema Grant at (571) 272-3215.

/Kery A. Fries/

Kery Fries  
Senior Legal Advisor Attorney  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
For Patent Examination Policy

Patent No. 7,557,444 Application No. 11/525,107

Page 3

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 7,557,444 B2  
DATED : July 7, 2009  
INVENTOR(S) : Gratz 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 (146) days

Delete the phrase "by 146 days" and insert – by 62 days--



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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

Mail Date: 04/21/2010

<b>Applicant</b>	: David Stumbo	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7667296	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/525,121	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/22/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **444** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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OLIFF & BERRIDGE, PLC  
P.O. BOX 320850  
ALEXANDRIA, VA 22320-4850

Mail Date: 04/20/2010

<b>Applicant</b>	: Kazuaki Murase	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7654163	: RECALCULATION of PATENT
<b>Issue Date</b>	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/525,123	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/22/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **391** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION  
P.O. BOX 506  
MERRIFIELD, VA 22116

Mail Date: 04/20/2010

<b>Applicant</b>	: Hsiang-Chung Weng	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7602156	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/525,133	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/22/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **414** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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DAVIDSON BERQUIST JACKSON & GOWDEY LLP  
4300 WILSON BLVD., 7<sup>TH</sup> FLOOR  
ARLINGTON VA 22203

MAILED

APR 13 2009

OFFICE OF PETITIONS

In re Application of  
Jonathan Gorrell et al  
Application No. 11/525,151  
Filed: September 22, 2006  
Attorney Docket No. 2549-0039

:  
:  
: DECISION GRANTING PETITION  
: UNDER 37 CFR 1.313(c)(2)  
:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 8, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on March 10, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

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 IDS.

/Karen Creasy/  
Karen Creasy  
Petitions Examiner  
Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON DC 20001-4413

**COPY MAILED**

**JUL 31 2007**

**OFFICE OF PETITIONS**

In re Application of  
Jon L. Cook et al.  
Application No. 11/525,203  
Filed: September 22, 2006  
Attorney Docket No. **08049.0004-01**

DECISION ON PETITION  
UNDER § 1.183

This is a decision in response to the petition filed March 23, 2007, under 37 CFR § 1.183 for waiver of the requirement under 37 CFR § 1.131 that all of the inventors sign the declaration of prior inventorship.

The petition under 37 CFR 1.183 is **GRANTED**.

The above-identified application was filed on September 22, 2006, with a 37 CFR 1.63 declaration signed by all of the inventors. With the instant petition, applicants filed a 37 CFR § 1.131 declaration. The 37 CFR § 1.131 declaration was only executed by joint inventor Christine Ray. Applicants have filed the instant petition to have the 37 CFR § 1.131 declaration accepted as signed by inventor Christine Ray on behalf of herself and on behalf of non-signing inventors Jon L. Cook and Cathy M. Rogerson.

37 CFR 1.131 states, in pertinent part:

When any claim of an application or a patent under reexamination is rejected, the inventor of the subject matter of the rejected claim, the owner of the patent under reexamination, or the party qualified under §§ 1.42, 1.43, or 1.47, may submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference or activity on which the rejection is based.

In addition, the Manual of Patent Examining Procedure states that "an application or declaration by less than all named inventors of an application is accepted where it is shown that less than all named inventors of an application invented the subject matter of the claim or claims under rejection."

Here, there has not been a party qualified under 37 CFR 1.42, 1.43, or 1.47. In

addition, applicants do not contend that less than all of the named inventors of the application invented the subject matter of the claims under rejection. Accordingly, the proper parties to sign the 37 CFR § 1.131 declaration include all of the joint inventors.

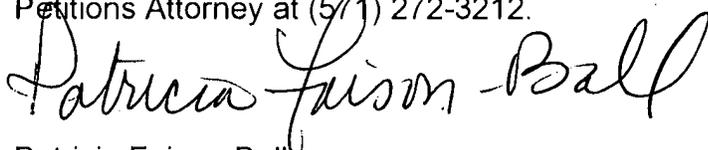
In order for a petition under 37 CFR § 1.183 to be granted to waive this requirement that joint inventors Cook and Rogerson sign the 37 CFR § 1.131 declaration, petitioner must demonstrate that this is an extraordinary situation where justice requires waiver of the rules.

On instant petition, applicants have set forth the steps taken to obtain joint inventors Cook's and Rogerson's signatures on the 37 CFR § 1.131 declaration. Applicants have shown that a bona fide effort was made to reach or locate inventors Cook and Rogerson to present the 37 CFR § 1.131 declaration and supporting documentation. The declaration presented is signed by the remaining joint inventor. Under the circumstances, it is concluded that petitioner has demonstrated that this is an extraordinary situation, warranting waiver of the rules.

The petition is granted to the extent that the 37 CFR § 1.131 declaration may be entered, despite the fact that its requirement that all of the inventors sign the declaration has not been satisfied. This is not a decision on the merits of the declaration.

This matter is being referred to the Office of Initial Patent Examination for further pre-examination processing. At the time the application is forwarded to a Technology Center for prosecution, the merits of the reply and the 37 CFR § 1.131 declaration, filed March 23, 2007 will be considered.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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CHRISTIE, PARKER & HALE, LLP  
PO BOX 7068  
PASADENA, CA 91109-7068

Mail Date: 04/21/2010

<b>Applicant</b>	: Sesub Sim	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7638976	: RECALCULATION of PATENT
<b>Issue Date</b>	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/525,230	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/20/2006	: 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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EDELL, SHAPIRO & FINNAN, LLC  
1901 RESEARCH BOULEVARD  
SUITE 400  
ROCKVILLE, MD 20850

Mail Date: 04/20/2010

<b>Applicant</b>	: Michael Nuttall	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7614931	: RECALCULATION of PATENT
<b>Issue Date</b>	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/525,241	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/20/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **493** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402

Mail Date: 05/20/2010

**Applicant** : Congxin Liang : DECISION ON REQUEST FOR  
**Patent Number** : 7629339 : RECALCULATION of PATENT  
**Issue Date** : 12/08/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/525,291 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/21/2006 : 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.

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

<b>PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)</b>					
<b>Application Information</b>					
Application Number	11525297	Confirmation Number	9724	Filing Date	2006-09-22
Attorney Docket Number (optional)	ITI-425A	Art Unit	1733	Examiner	Not Yet Assigned
First Named Inventor	Franklin Thomas Driver				
Title of Invention	Apparatus for Installing Cured In Place Liner With Inner Impermeable Layer				
<p><b>Attention: Office of Petitions</b>                      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).</p> <p>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.</p> <p>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.</p>					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
Franklin	Thomas	Driver			
<p>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.</p> <p>Select (1) or (2) :</p> <p><input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.</p> <p><input checked="" type="radio"/> (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.</p>					
Signature	/Michael I. Wolfson/		Date (YYYY-MM-DD)	2008-07-23	
Name	Michael I. Wolfson		Registration Number	24750	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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Alexandria, VA 22313-1450  
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In re Application of  
Franklin Thomas Driver

Application No. 11525297

Filed: September 22, 2006

Attorney Docket No. ITI-425A (86080.016022)

:

:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 23-JUL-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) ,MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquires concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.



**MCCARTER & ENGLISH, LLP STAMFORD  
CANTERBURY GREEN  
201 BROAD STREET, 9TH FLOOR  
STAMFORD CT 06901**

**MAILED**

**APR 12 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Franklin Thomas Driver	:	
Application No. 11/525,297	:	DECISION ON PETITION
Filed: September 22, 2006	:	TO WITHDRAW
Attorney Docket No. ITI-425A (118001.16022)	:	FROM RECORD
	:	

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 1, 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. This change has been made in order to avoid subsequent correspondence being directed to an incorrect address or to a practitioner who has not been appointed as practitioner of record by the applicant.

Accordingly, the request to withdraw from record cannot be approved because the request does not include a forwarding address. When filing a renewed request the address change should be that of : (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71, who has properly intervened.

The change of address provided on the request is not that of the current assignee of record.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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Paper No.

HEALTH HERO NETWORK, INC.  
2400 GENG ROAD, SUITE 200  
PALO ALTO CA 94303

**MAILED**

**FEB 02 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Stephen Brown : DECISION ON  
Application No. 11/525,317 : PETITION  
Filed: September 21, 2006 :  
Attorney Docket No. 06-0416 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b), filed November 6, 2008.

The petition is **GRANTED**.

The above-identified application was abandoned for failure to timely file a proper reply to the final Office action mailed February 27, 2008. This Office action set a shortened statutory period for reply of three (3) months from the mail date of the action. An amendment was filed on May 29, 2008 (certificate of mailing dated May 27, 2008). However, the amendment was determined not to place the application in condition for reply. (See Advisory Action mailed June 25, 2008). No further amendment (or other paper) responsive to the final Office action was filed. No proper reply having been received and no extension of time obtained the application became abandoned effective May 28, 2008. A courtesy Notice of Abandonment was mailed on October 6, 2008.

On petition, petitioner submitted a Request for Continued Examination (RCE) and submission under §1.114 (in the form of the previously submitted amendment); paid the petition fee; and made the required statement of unintentional delay.

Technology Center AU 3626 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the RCE and submission submitted on petition filed November 6, 2008.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with a large initial "N" and "J".

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions



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KEVIN MCANDREWS  
KLA TENCOR CORPORATION  
One Technology Drive  
Corporate Legal Department  
Milpitas, CA 95035

Mail Date: 04/21/2010

**Applicant** : Daniel Kandel : DECISION ON REQUEST FOR  
**Patent Number** : 7616313 : RECALCULATION of PATENT  
**Issue Date** : 11/10/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/525,320 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/21/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 2/7/08

Paper No.: \_\_\_\_\_

TO SPE OF : ART UNIT 2611

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/525327 Patent No: 7272198 B1

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within 7 days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code COCX.

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within 7 days, to:  
**Certificates of Correction Branch (CofC)**  
**South Tower - 9A22**  
**Palm Location 7580**

**VIRGINIA TOLBERT**  
Certificates of Correction Branch  
703-308-9390 ext. 113

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Chel W. J.  
SPE

2611  
Art Unit



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SPECKMAN LAW GROUP PLLC  
1201 THIRD AVENUE, SUITE 330  
SEATTLE, WA 98101

Mail Date: 04/21/2010

**Applicant** : Hubert Hilbi : DECISION ON REQUEST FOR  
**Patent Number** : 7629130 : RECALCULATION of PATENT  
**Issue Date** : 12/08/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/525,334 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/23/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **347** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



**ALAN CHAN  
SUITE 700  
225 BROADWAY  
NEW YORK, NY 10007**

**COPY MAILED**

**FEB 29 2008**

In re Application of

**GOETZ, Bernard**  
Application No. 11/525,357  
Filed: September 22, 2006  
Attorney Docket No. **P/5102-2 V3919**

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 30, 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 Allan Chan on behalf of all attorneys of record who are associated with customer No. 50528. 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 Bernard Goetz 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: **BERNARD GOETZ  
55 WEST 14<sup>TH</sup> STREET  
NEW YORK, NY 10011**



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**Lefevour Law Group, LLC**  
4365 Lawn Avenue  
Suite 5  
Western Springs, IL 60558

**COPY MAILED**

**FEB 20 2008**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Michael A. Cormack et al.	:	
Application No. 11/525,363	:	<b>DECISION ON PETITION</b>
Filed: September 22, 2006	:	<b>TO WITHDRAW</b>
Attorney Docket No. 09163-26900, (060-023)	:	<b>FROM RECORD</b>
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 15, 2007

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Lefevour Law Group, LLC has been revoked by the assignee of the patent application on January 10, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams  
Petitions Examiner  
Office of Petitions

cc: **Milbank, Tweed, Hadley & McCloy**  
1 Chase Manhattan Plaza  
New York, NY 10005-1413



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GIBSON & DERNIER, LLP  
900 ROUTE 9 NORTH  
SUITE 504  
WOODBIDGE, NJ 07095

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JAN 21 2010

OFFICE OF PETITIONS

In re Application of :  
Yosuke Muraki :  
Application No. 11/525,374 : DECISION DISMISSING PETITION  
Filed: September 21, 2006 :  
Attorney Docket No. 545/86 :

This is a decision on the petition under 37 CFR 1.10(d), filed April 2, 2009, requesting that the above-identified application be accorded a filing date of September 22, 2006, rather than the presently accorded date of September 21, 2006.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted. If reconsideration is not requested within the time period specified above, this application will be referred to Technology Center Art Unit 2113 with the presently accorded filing date of September 21, 2006.

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS.

The showing under 37 CFR 1.10(d) must be corroborated by (1) evidence from the USPS, or (2) evidence that came into being after deposit and within one business day of the deposit of the correspondence as "Express Mail." Evidence from the USPS may be the "Express Mail" Corporate Account Mailing Statement. Due to the questionable reliability of evidence from a party other than the USPS that did not come into being contemporaneously with the deposit of the correspondence with the USPS, 37 CFR 1.10(d) specifically requires that any petition under 37 CFR 1.10(d) be corroborated either by evidence from the USPS, or by evidence that came into being after deposit and within one business day after the deposit of the correspondence as "Express Mail." Evidence that came into being within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains information such as the "Express Mail" number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log. Conversely, evidence created prior to the deposit of the correspondence as "Express Mail" with

the USPS (e.g., an application transmittal cover letter, or a client letter prepared prior to the deposit of the correspondence); or created more than one business day after the deposit of the correspondence as "Express Mail" (e.g., an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as "Express Mail") cannot be accepted under the terms of the rule.

Petitioner requests the later filing date on the basis that the application was purportedly deposited in Express Mail service on September 22, 2006, pursuant to the requirements of 37 CFR 1.10. The petition must be accompanied by:

A grantable petition under 37 CFR 1.10(d) must include:

- (1) The filing of a petition promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
- (2) The placement of the "Express Mail" number on the mailing label of the paper(s) or fee(s) that constitutes the correspondence prior to the original mailing by "Express Mail"; and
- (3) A showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

The petition lacks item (3).

Section 1.10(d) permits the Office to correct a USPS "date-in" error when the correspondence is deposited in an Express Mail drop box prior to the last scheduled pickup of the day; that is, the time clearly marked on the Express Mail drop box, including when the box will be cleared for the last time on the date of deposit. 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. Note that the correspondence must be entrusted either to a postal service employee or an Express Mail drop box for the correspondence to have been deposited as Express Mail Post Office to Addressee service of the USPS within the meaning of 37 CFR 1.10(d). See Nitto Chemical Industry Co. Ltd. v. Comer, 39 USPQ 1778, 1781-82 (D.D.C. 1994). That is, consignment of Express Mail correspondence to a first class mail bin at the USPS does not properly entrust the correspondence to the custody of the USPS for purposes of 37 CFR 1.10<sup>1</sup>.

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

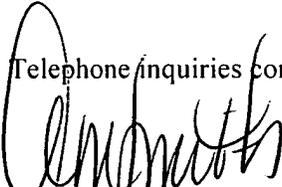
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<sup>1</sup> Petitioner may wish to submit a copy of the track and confirm search results, which shows that the package in question was accepted on September 22, 2006 rather than September 21, 2006.

By facsimile: (571) 273-8300  
Attn: Office of Petitions

By hand: U. S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3226.



Andrea Smith  
Petitions Examiner  
Office of Petitions



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GIBSON & DERNIER, LLP  
900 ROUTE 9 NORTH  
SUITE 504  
WOODBIDGE, NJ 07095

MAILED

MAR 11 2010

OFFICE OF PETITIONS

In re Application of :  
Yosuke Muraki :  
Application No. 11/525,374 : DECISION GRANTING PETITION  
Filed: September 22, 2006 :  
Attorney Docket No. 545/86 :

This is a decision on the renewed petition under 37 CFR 1.10(d), filed February 3, 2010, requesting that the above-identified application be accorded a filing date of September 22, 2006, rather than the presently accorded date of September 21, 2006.

Applicants request the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on September 22, 2006 pursuant to 37 CFR 1.10. In support, applicants have submitted a copy of their Express Mail Corporate Account Mailing Statement which includes Express Mail label No. EV739151337US and a date of September 22, 2006 as the date the postage was charged. The same Express Mail receipt number appearing on the corporate account statement was placed on the original patent application transmittal letter of record in the official file.

The evidence is convincing that the application was deposited in Express Mail service on September 22, 2006. Accordingly, the instant application is entitled to a filing date of September 22, 2006, and has been so accorded.

The petition is **granted**.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3226.

This application is being referred to the Office of Patent Application Processing for processing with a filing date of September 22, 2006 and for issuance of a corrected filing receipt.

Andrea Smith  
Petitions Examiner  
Office of Petitions



TYCO HEALTHCARE GROUP LP  
D/B/A COVIDIEN  
15 HAMPSHIRE STREET  
MANSFIELD MA 02048

**COPY MAILED**  
SEP 24 2009  
OFFICE OF PETITIONS

In re Application of :  
Scott Jones et al. :  
Application No. 11/525,377 : **ON PETITION**  
Filed: September 22, 2006 :  
Attorney Docket No. **1502-20 (H-KN-00253)** :

This is a decision on the petition filed September 8, 2009 under 37 CFR 1.137(b),<sup>1</sup> to revive the above-identified application.

The petition under 37 CFR 1.137 (b) is **GRANTED**.

This application became abandoned September 3, 2009 for failure to timely pay the issue fee on or before September 2, 2009. Accordingly, a Notice of Abandonment was mailed September 17, 2009 after the filing of the instant petition.

The issue fee in the amount of \$1510.00, petition fee in the amount of \$1620.00 and publication fee in the amount of \$300 have been charged to deposit account no. 19-0254. All other requirements of 37 CFR 1.137(b) having now been met, this matter is being referred to the Publishing Division to be processed into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

*Patricia Faison-Ball*  
Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

<sup>1</sup>Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).



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Tyco Healthcare Group LP  
d/b/a Covidien  
15 Hampshire Street  
Mansfield, MA 02048

Mail Date: 04/21/2010

<b>Applicant</b>	: Scott Jones	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7611486	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/525,377	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/22/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **412** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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ONE AT&T WAY  
BEDMINSTER, NJ 07921

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APR 23 2008

**OFFICE OF PETITIONS**

In re Application of  
Joel Balissat, et al.  
Application No. 11/525,399  
Filed: September 22, 2006  
Atty Docket No.: 2000-0385 CON (1014-272)

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**ON PETITION**

This is a decision on the petition, filed April 22, 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 March 25, 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.*<sup>1</sup>

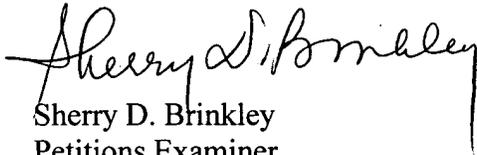
It is noted that the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

<sup>1</sup> *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

The application is being referred to Technology Center AU 2134 for further processing of the request for continued examination under 37 CFR 1.114.

---



Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

cc: MICHAEL N. HAYNES  
1341 HUNTERSFIELD CLOSE  
KESWICK, VA 22947



UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 30 2008

**OFFICE OF PETITIONS**

**DECISION ON PETITION**

In re Application of  
Balissat et al.  
Application No. 11/525,399  
Filed: September 22, 2006  
Attorney Docket No. 2000-0385 CON (1014-  
272)

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 29, 2008, 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 August 15, 2008, as required by the Notice of Allowance and Fee(s) Due mailed May 15, 2008. Accordingly, the application became abandoned on August 16, 2008. A Notice of Abandonment was mailed September 10, 2008.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Michael N. Haynes 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 in whose behalf he acts. Accordingly, the statement of unintentional delay is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay in accordance with 37 CFR 10.18.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Issue Fee Transmittal Form to reapply the previously paid issue fee of \$1,440, (2) the petition fee of \$1,540, 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 the Office of Data Management for processing into a patent.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



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**FRIEDRICH KUEFFNER**  
**317 MADISON AVENUE, SUITE 910**  
**NEW YORK NY 10017**

**MAILED**

**JUL 13 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Neil Olesen et al :  
Application No. 11/525,442 : **DECISION ON PETITION**  
Filed: September 22, 2006 :  
Attorney Docket No. OH- :  
01CIP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 15, 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 December 22, 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 (3).

There are three periods to be considered during the evaluation of a petition under 37 CFR 1.137(b):

- (1) the delay in reply that originally resulted in the abandonment;
- (2) the delay in filing an initial petition pursuant to 37 CFR 1.137(b) to revive the application; and
- (3) the delay in filing a grantable petition pursuant to 37 CFR 1.137(b) to revive the application.

Currently, the delay has not been shown to the satisfaction of the Director to be unintentional for periods (1) and (2).

As to Period (1):

The patent statute at 35 U.S.C. § 41(a)(7) authorizes the Director to revive an "unintentionally abandoned application." The legislative history of Public Law 97-247 reveals that the purpose of 35 U.S.C. § 41(a)(7) is to permit the Office to have more discretion than in 35 U.S.C. §§ 133 or 151 to revive abandoned applications in appropriate circumstances, but places a limit on this discretion, stating that "[u]nder this section a petition accompanied by either a fee of \$500 or a fee of \$50 **would not be granted where the abandonment** or the failure to pay the fee for issuing the patent **was intentional** as opposed to being unintentional or unavoidable." [emphasis added]. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6-7 (1982), reprinted in 1982 U.S.C.C.A.N. 770-71. The revival of an intentionally abandoned application is antithetical to the meaning and intent of the statute and regulation.

35 U.S.C. § 41(a)(7) authorizes the Director to accept a petition "for the revival of an unintentionally abandoned application for a patent." As amended December 1, 1997, 37 CFR 1.137(b)(3) provides that a petition under 37 CFR 1.137(b) must be accompanied by a statement that the delay was unintentional, but provides that "[t]he Commissioner may require additional information where there is a question whether the delay was unintentional." Where, as here, there is a question whether the initial delay was unintentional, the petitioner must meet the

burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b). See In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989); 37 CFR 1.137(b). Here, in view of the inordinate delay (over 2 years) in resuming prosecution, there is a question whether the entire delay was unintentional. Petitioner should note that the issue is not whether some of the delay was unintentional by any party; rather, the issue is whether the entire delay has been shown to the satisfaction of the Director to be unintentional.

The question under 37 CFR 1.137(b) for period (1) is whether the delay on the part of the party having the right or authority to reply to avoid abandonment (or not reply) was unintentional. Accordingly, any renewed petition must clearly identify the party having the right to reply to avoid abandonment on May 23, 2007. That party, in turn must explain what effort(s) was made to further reply to the outstanding Office action and, further, why no reply was filed. If no effort was made to further reply, then that party must explain why the delay in this application does not result from a deliberate course of action (or inaction). Likewise, as Friedrich Kueffner was counsel of record at the time of abandonment, Friedrich Kueffner should explain why this application became abandoned while it was under their control and what efforts Friedrich Kueffner made to further reply of itself and with whom this matter was discussed outside of Friedrich Kueffner. Copies of any correspondence relating to the filing, or to not filing a further reply to the outstanding Office action are required from responsible person(s), Friedrich Kueffner and whoever else was involved with this application at the time of abandonment. Statements are required from any and all persons then at Friedrich Kueffner, and the responsible person(s) having firsthand knowledge of the circumstances surrounding the lack of a reply to the outstanding Office action. As the courts have made clear, it is pointless for the USPTO to revive a long abandoned application without an adequate showing that the delay did not result from a deliberate course of action. See Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005); Lumenyte Int'l Corp. v. Cable Lite Corp., Nos. 96-1011, 96-1077, 1996 U.S. App. LEXIS 16400, 1996 WL 383927 (Fed. Cir. July 9, 1996) (unpublished) (patents held unenforceable due to a finding of inequitable conduct in submitting an inappropriate statement that the abandonment was unintentional).

As to Period (2):

Likewise, where the applicant deliberately chooses not to seek or persist in seeking the revival of an abandoned application, or where the applicant deliberately chooses to delay seeking the revival of an abandoned application, the resulting delay in seeking revival of the abandoned application cannot be considered as "unintentional" within the meaning of 37 CFR 1.137(b). See MPEP 711.03(c).

The language of both 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b) are clear and unambiguous, and, furthermore, without qualification. That is, the delay in filing the reply during prosecution, as well as in filing the petition seeking revival, must have been, without qualification, "unintentional" for the reply to now be accepted on petition. The Office requires that the entire delay be at least unintentional as a prerequisite to revival of an abandoned application to prevent abuse and injury to the public. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 7 (1982), reprinted in 1982 U.S.C.C.A.N. 771 ("[i]n order to prevent abuse and injury to the public the Commissioner . . . could require applicants to act promptly after becoming aware of the abandonment"). The December 1997 change to 37 CFR 1.137 did not create any new right to overcome an intentional delay in seeking revival, or in renewing an attempt at seeking revival, of an abandoned application. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53160 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 87 (October 21, 1997), which clearly stated that any protracted delay (here, over 2 years) could trigger, as here, a request for additional information. As the courts have since made clear, a protracted delay in seeking revival, as here, requires a petitioner's detailed explanation seeking to excuse the delay as opposed to USPTO acceptance of a general allegation of unintentional delay. See Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633, at 1637-8 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005) at \*21-\*23. Statements are required from any and all persons then at Friedrich Kueffner and the responsible person(s) having firsthand knowledge of the circumstances surrounding the protracted delay, after the abandonment date, in seeking revival.

As noted in MPEP 711.03(c)(II), subsection D, in instances in which such petition was not filed within 1 year of the date of abandonment of the application, applicants should include:



Application No. 11/525,442

-6-

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/Karen Creasy/  
Karen Creasy  
Petitions Examiner  
Office of Petitions

cc:

**STANDLEY LAW GROUP LLP  
6300 RIVERSIDE DRIVE  
DUBLIN, OH 43017**



UNITED STATES PATENT AND TRADEMARK OFFICE

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**MAILED**

**JAN 28 2010**

**OFFICE OF PETITIONS**

**STANDLEY LAW GROUP LLP  
6300 RIVERSIDE DRIVE  
DUBLIN, OH 43017**

In re Application of :  
Neil Olesen et al :  
Application No. 11/525,442 : **DECISION ON PETITION**  
Filed: September 22, 2006 :  
Attorney Docket No. OH-O1CIP :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 10, 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 terminal disclaimer/fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal rejection mailed December 22, 2006, 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 2841 for appropriate action by the Examiner in the normal course of business on the reply received May 21, 2009.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/525,442	09/22/2006	Neil Olesen	OH-O1CIP

8698  
STANDLEY LAW GROUP LLP  
6300 Riverside Drive  
Dublin, OH 43017

**CONFIRMATION NO. 9435**  
**POA ACCEPTANCE LETTER**



Date Mailed: 01/22/2010

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 12/10/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/kocreasy/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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PCE INDUSTRY, INC.  
ATT. Steven Reiss  
288 SOUTH MAYO AVENUE  
CITY OF INDUSTRY, CA 91789

Mail Date: 04/21/2010

<b>Applicant</b>	: Shou-Kuo Hsu	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7657564	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/525,445	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/22/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **491** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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18191 VON KARMAN AVE.  
SUITE 500  
IRVINE, CA 92612-7108

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**OCT 23 2008**

**OFFICE OF PETITIONS**

In re Application of	:	
Jay A. Lenker, et al.	:	
Application No. 11/525,480	:	DECISION ON PETITION
Filed: September 22, 2006	:	TO WITHDRAW
Attorney Docket No. 07690-0013	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 11, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

/April M. Wise/  
April M. Wise  
Petitions Examiner  
Office of Petitions

cc: ELLIPSE TECHNOLOGIES, INC.  
13844 ALTON PARKWAY  
SUITE 130  
IRVINE, CA 92618



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**WOODCOCK WASHBURN LLP  
CIRA CENTRE, 12TH FLOOR  
2929 ARCH STREET  
PHILADELPHIA, PA 19104-289**

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**JUN 08 2007**

**OFFICE OF PETITIONS**

In re Application of	:	
Benchikh et al..	:	DECISION ON PETITION
Application No. 11/525,508	:	TO WITHDRAW
Filed: September 21, 2006	:	FROM RECORD
Attorney Docket No. KELL-0078	:	

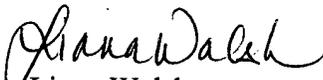
This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 28, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to the attorneys associated with Customer Number 23377 has been 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 continue to be directed to the below-listed address until otherwise notified by applicants.

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: PATRICK J. FARLEY, Ph.D.  
BLANK ROME LLP  
ONE LOGAN SQUARE  
130 NORTH 18<sup>TH</sup> STREET  
PHILADELPHIA, PA 19103



KNOBBE MARTENS  
OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614

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**MAR 24 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Hou, et al. :  
Application No. 11/525,512 : DECISION  
Filed: 21 September, 2006 :  
Attorney Docket No. NDTCO.042A :

This is a decision on the petitions filed on 11 March, 2009, to revive an application under 37 C.F.R. §1.137(b) as having been abandoned due to unintentional delay.

The petition as considered under 37 C.F.R. §1.137(b) is **GRANTED**.

As to Allegations of  
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee. (However, it does not appear that a terminal disclaimer and fee are due here.)

BACKGROUND

The record reflects as follows:

Former Counsel failed to reply timely and properly to the Notice to Comply (as to sequence disclosures) mailed on 27 June, 2008, with reply due absent extension of time on or before 27 August, 2008.

The application went abandoned after midnight 27 August, 2008.

The Office mailed a Notice of Abandonment on 5 March, 2009.

On 11 March, 2009, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b) averring unintentional delay, a reply in the form of the sequence listing (and a preliminary amendment), and made the statement of unintentional delay.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

### STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).<sup>2</sup>

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.<sup>3</sup>))

#### As to Allegations of Unintentional Delay

It appears that the requirements under 37 C.F.R. §1.137(b) have been satisfied.

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<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

<sup>2</sup> 35 U.S.C. §133 provides:

**35 U.S.C. §133 Time for prosecuting application.**

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

<sup>3</sup> Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Office of Patent Application Processing (OPAP) 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 OPAP in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the OPAP 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<sup>4</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

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<sup>4</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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**KLARQUIST SPARKMAN, LLP  
121 SW SALMON STREET  
SUITE 1600  
PORTLAND OR 97204**

**MAILED**

**JUN 10 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Jain et al.	:	DECISION ON PETITION
Application No. 11/525,514	:	TO WITHDRAW
Filed: September 22, 2006	:	FROM RECORD
Attorney Docket No. 2847-71886-03	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed April 29, 2010.

The request is **NOT APPROVED**.

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:

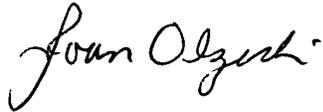
- (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
- (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; 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 the above certifications. It is suggested that petitioner submit a properly completed PTO/SB/83 (effective date May 12, 2008), which provides a section wherein practitioners may certify the completion of the above-listed activities necessary for the request to withdraw from representation to be granted.

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 outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A handwritten signature in cursive script that reads "Joan Olszewski".

Joan Olszewski  
Petitions Examiner  
Office of Petitions



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**BALLARD SPAHR ANDREWS & INGERSOLL, LLP**  
**SUITE 1000**  
**999 PEACHTREE STREET**  
**ATLANTA GA 30309-3915**

**MAILED**

**AUG 14 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
Howell, Mark Douglas	:	DECISION ON PETITION
Application No. 11/525,519	:	TO WITHDRAW
Filed: September 22, 2006	:	FROM RECORD
Attorney Docket No. 03325.0002U2	:	

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 18, 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.*

As there is no Statement under 37 CFR 3.73(b) in the instant application, the request cannot be granted. 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 July 30, 2009 that requires a reply. Failure to timely to do 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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**BALLARD SPAHR LLP  
SUITE 1000  
999 PEACHTREE STREET  
ATLANTA GA 30309-3915**

**COPY MAILED**

**DEC 02 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
Howell, Mark Douglas	:	DECISION ON PETITION
Application No. 11/525,519	:	TO WITHDRAW
Filed: September 22, 2006	:	FROM RECORD
Attorney Docket No. 03325.0002U2	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 22, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Sumner Rosenberg on behalf of all attorneys/agents of record who are associated with Customer Number 23859. All attorneys/agents associated with Customer Number 23859 have been withdrawn. Applicant(s) is/are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first-named inventor, Mark Douglas Howell, at the address indicated below.

There is an outstanding Office action, mailed July 30, 2009, which requires a reply. Failure to timely do so will result in abandonment of the instant 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

cc: MARK D. HOWELL  
608 LANGDALE DRIVE  
FORT COLLINS CO 80526



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DICKE BILLIG & CZAJA, PLLC  
ATTN: CHRISTOPHER MCLAUGHLIN  
100 SOUTH FIFTH STREET, SUITE 2250  
MINNEAPOLIS, MN 55402

Mail Date: 04/27/2010

<b>Applicant</b>	: Ajay Pai	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7616804	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/525,530	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/22/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **262** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP  
BRADFORD GREEN, BUILDING 5  
755 MAIN STREET, P O BOX 224  
MONROE, CT 06468

Mail Date: 05/11/2010

**Applicant** : Robert S. Richter : DECISION ON REQUEST FOR  
**Patent Number** : 7619519 : RECALCULATION of PATENT  
**Issue Date** : 11/17/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/525,546 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/21/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **477** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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TROP, PRUNER & HU, P.C.  
1616 S. VOSS ROAD, SUITE 750  
HOUSTON, TX 77057-2631

Mail Date: 04/21/2010

<b>Applicant</b>	: Binata Bhattacharyya	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7600080	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/525,585	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/22/2006	: 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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J. WILEY HORTON, ESQUIRE  
Pennington, Moore, Wilkinson, Bell & Dunbar, P.A.  
Post Office Box 10095  
Tallahassee FL 32302-2095

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**AUG 03 2007**  
**OFFICE OF PETITIONS**

In re Application of :  
Darrell W. Kelsoe :  
Application No. 11/525597 : DECISION DISMISSING  
Filed: 09/22/2006 : PETITION UNDER  
Title of Invention: : 37 CFR 1.47(b)  
PROCESS FOR TREATING WOOD AND :  
PRODUCTS FROM TREATED WOOD :

This is in response to the Petition Under 37 CFR § 1.47(b), filed March 19, 2007, to allow a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, to make application on behalf of and as agent for all inventors.

The petition is **dismissed**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(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(s). 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 September 22, 2006, without an executed oath or declaration. In response, this Office mailed a Notice to File Missing Parts of Nonprovisional Application ("Notice") on October 17, 2006, requiring, *inter alia*, a fully executed oath or declaration.

In response to the Notice, Applicant files the present petition and states, *inter alia*, that the assignee, D & L, LLC, is poised to commercialize the invention, but has been delayed by the inability to seek patent protection. Applicant has not filed an oath/declaration.

Applicable Law

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the

application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor(s); (5) proof of proprietary interest; and (6) proof of irreparable harm. Applicant lacks items (2) and (6) as set forth above.

As to item (2), no oath/declaration has been filed.

The MPEP provides the following:

The 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.64 or 1.175. Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP § 324. An inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. *Staeger v. Commissioner*, 189 USPQ 272 (D.D.C. 1976), *In re Striker*, 182 USPQ 507 (Comm'r Pat. 1973). Where an application is executed by one other than the inventor, the declaration required by 37 CFR 1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor. Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(b). (Emphasis supplied).

An oath or declaration that lists the full name, residence, post office address, and citizenship of the nonsigning inventor; is executed by a person with the authority to do so, and includes the title or position of the person signing, is required.

As to item (6), “[I]rreparable damage may be established by a showing (a statement) that a filing date is necessary to preserve the rights of the party or to prevent irreparable damage. MPEP 409.03(g).” A statement that the granting of the petition is necessary to preserve the rights of the party or to prevent irreparable damage, is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                    Mail Stop PETITIONS  
                                 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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**DEC 05 2007**

**OFFICE OF PETITIONS**

In re Application of	:	
Darrell W. Kelsoe	:	
Application No. 11/525597	:	DECISION GRANTING
Filed: 09/22/2006	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(b)
PROCESS FOR TREATING WOOD AND	:	
PRODUCTS FROM TREATED WOOD	:	

This is in response to the Request for Reconsideration of Petition Under 37 CFR § 1.47(b), filed October 9, 2007, and supplemented November 20, 2007, to allow a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, to make application on behalf of and as agent for all inventors.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

Petitioner has shown that the non-signing inventor, Darrell W. Kelsoe, refuses to join in the application.

As provided in Rule 1.47, this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being referred to the Office of Patent application Processing for continued processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

  
Derek L. Woods  
Attorney  
Office of Petitions



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MR. DARRELL W. KELSOE  
C/O JOHN FROHLING  
FROHLIND & HUDAK, LLC  
17 FULTON STREET  
NEWARK, NJ 07102

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DEC 05 2007

**OFFICE OF PETITIONS**

In re Application of :  
Darrell W. Kelsoe :  
Application No. 11/525597 : LETTER  
Filed: 09/22/2006 :  
Title of Invention: :  
PROCESS FOR TREATING WOOD AND :  
PRODUCTS FROM TREATED WOOD :

Dear Mr. Kelsoe:

You are named as the inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As the inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

  
Derek L. Woods  
Attorney  
Office of Petitions

cc: J. WILEY HORTON, ESQUIRE  
Pennington, Moore, Wilkinson, Bell & Dunbar, P.A.  
Post Office Box 10095  
Tallahassee FL 32302-2095



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**5670 WILSHIRE BLVD STE 2100**  
**LOS ANGELES, CA 90036**

**MAILED**

**APR 26 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
I-Jin YANG	:	
Application No. 11/525,601	:	DECISION ON PETITION
Filed: September 21, 2006	:	TO WITHDRAW
Attorney Docket No. 086121-0013	:	FROM RECORD
	:	

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 04, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Ladas and Perry has been revoked by the assignee of the patent application on March 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 571-272-4231.

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

cc: **MCDERMOTT WILL & EMERY LLP**  
**600 13TH STREET, N.W.**  
**WASHINGTON DC 20005-3096**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/525,606	09/22/2006	Ekaterina Anatolyevna Ponomarenko	CM3016QL	1986

27752 7590 06/18/2010  
THE PROCTER & GAMBLE COMPANY  
Global Legal Department - IP  
Sycamore Building - 4th Floor  
299 East Sixth Street  
CINCINNATI, OH 45202

EXAMINER

REICHLER, KARIN M

ART UNIT PAPER NUMBER

3761

MAIL DATE DELIVERY MODE

06/18/2010

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.



THE PROCTER & GAMBLE COMPANY  
Global Legal Department - IP  
Sycamore Building - 4th Floor  
299 East Sixth Street  
CINCINNATI OH 45202

*In re* Application of: :  
Ponomarenko, Ekaterina A. et al :  
Serial No.: 11/525,606 :  
Filed: September 22, 2006 :  
Docket:: CM3016QL :  
Title: Absorbent Article with Sublayer :  
: DECISION ON PETITION TO  
: ENTER AMENDMENT AFTER  
: FINAL

This is a decision on the petition filed on June 14, 2010 to enter the amendment after final under 37 CFR 1.116 filed on May 24, 2010. The petition is being considered pursuant to 37 CFR 1.181 and no fee therefore is required.

The petition is **DISMISSED**.

This application comes before the Technology Center Director for review of prosecution, in particular for review of the office letter (advisory action) of June 2, 2010. Petitioner opines that the examiner's refusal to enter the amendment after final filed on May 24, 2010 was improper because the amendment after final is in full compliance with 37 CFR § 1.116(b)<sup>1</sup>.

#### Discussion and Analysis

In response to the amendment after final filed on May 24, 2010, the examiner stated in the advisory action "With regard to the amendment to page 20, line 34, the removal of the terminology, or part thereof, appears to be new matter, i.e. changes context of preceding description." Petitioner argues that the aforementioned term, when read in the context of the paragraph and the specification as a whole, it does not amount to new matter. The examiner also

<sup>1</sup> 37 CFR § 1.116 (b) After a final rejection or other final action (§ 1.113) in an application or in an ex parte reexamination filed under § 1.510, or an action closing prosecution (§ 1.949) in an inter partes reexamination filed under § 1.913, but before or on the same date of filing an appeal (§ 41.31 or § 41.61 of this title): (1) An amendment may be made canceling claims or complying with any requirement of form expressly set forth in a previous Office action; (2) An amendment presenting rejected claims in better form for consideration on appeal may be admitted; or (3) An amendment touching the merits of the application or patent under reexamination may be admitted upon a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented.

stated that "the amendment to page 10, line 8, i.e. "can" to --is-- appears to be new matter." The petition again argues that when read in the context of the paragraph and the specification as a whole, it does not amount to new matter. Furthermore, the examiner states there is confusion with the phrase "an average thereof" on page 22, last paragraph and what it refers too.

After a careful analysis of the Rule 116 amendment of May 24, 2010, the facts do not support petitioner's arguments. First, the phrase, or part thereof, appears to be new matter that will take more than a cursory review of the application. Secondly, the amendment to page 10, line 8, appears to be new matter and again will take more than a cursory review. Third, the examiner was correct in that it is not clear what, an average thereof, refers too. The Rule 116 amendment to the specification does touch the merits of the application and does not reduce any appealable issues. Under the circumstances, the examiner issued the advisory action in refusing entry of the Rule 116 amendment of May 24, 2010.

Entry of amendments after final rejection is not a matter of right (see 37 CFR 1.116). The review of the record shows that the examiner was in compliance with proper examining practice as set forth in MPEP 714.13 in refusing entry of the after final amendment submitted May 24, 2010. The examiner did not abuse her discretion or act in an arbitrary or capricious manner in denying entry of the proposed claims after final for the reasons stated. Therefore there is no basis for granting the relief requested.

#### Conclusion

For the foregoing reasons, the relief requested by petitioners will not be granted. Specifically, the examiner's refusal in admitting the amendment after final filed May 24, 2010 is proper.

The application is being forwarded to SPE of Art Unit 3731 for further processing. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136 (a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at 571-272-4856.

The petition is dismissed.



Robert Olszewski, Director  
Technology Center 3700



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KIMBERLY-CLARK WORLDWIDE, INC.  
Tara Pohlkotte  
2300 Winchester Rd.  
NEENAH, WI 54956

Mail Date: 04/21/2010

<b>Applicant</b>	: Mark Alan Burazin	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7625461	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/525,611	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/21/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **476** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
500 W. MADISON STREET  
SUITE 3800  
CHICAGO IL 60661

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MAY 04 2009

**OFFICE OF PETITIONS**

In re Application of :  
William L. Grilliot et al. :  
Application No. 11/525,620 : DECISION ON PETITION  
Filed: September 22, 2006 : PURSUANT TO  
Attorney Docket No.: : 37 C.F.R. § 1.137(B)  
MOR03334P02500US :  
Title: GARMENT AND MEASURING :  
SCALE COMBINATION :

This is a decision on the petition filed October 14, 2008, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

The petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed June 20, 2007, which set a shortened statutory period for reply of three months. An after-final amendment was received on September 26, 2007 along with a one-month extension of time, and an advisory action was mailed on June 13, 2008. No additional extensions of time under the provisions of 37 C.F.R § 1.136(a) were obtained, and no further responses were received. Accordingly, the above-identified application became abandoned on October 21, 2007. A notice of abandonment was mailed on September 9, 2008.

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee, a Request for Continued Examination (RCE) along with the associated fee, an amendment, and the proper statement of unintentional delay.

The first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.<sup>1</sup>

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission under 37 C.F.R. § 1.114 - the amendment received on October 14, 2008 - can be processed.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.<sup>2</sup> All other inquiries

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<sup>1</sup> See Rule 1.137(d).

<sup>2</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/

Paul Shanoski

Senior Attorney

Office of Petitions

---

that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



# UNITED STATES PATENT AND TRADEMARK OFFICE

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BROOKS KUSHMAN P.C. /Oracle America/ SUN / STK  
1000 TOWN CENTER, TWENTY-SECOND FLOOR  
SOUTHFIELD, MI 48075-1238

Mail Date: 07/02/2010

**Applicant** : Daniel Watkins : DECISION ON REQUEST FOR  
**Patent Number** : 7640476 : RECALCULATION of PATENT  
**Issue Date** : 12/29/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/525,659 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/22/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **487** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/525,666	09/22/2006	Eric R. Blomiley	MI22-3402	1943
7590 10/30/2007 WELLS ST. JOHN P.S. 601 W. FIRST AVENUE, SUITE 1300 SPOKANE, WA 99201			EXAMINER SONG, MATTHEW J	
			ART UNIT	PAPER NUMBER
			1792	
			MAIL DATE	DELIVERY MODE
			10/30/2007	PAPER

**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**  
*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management

Adjustment date: 10/30/2007 K KING1  
09/26/2006 SSITHIB1 00000060 11525666  
02 FC:1111 -500.00 OP

Repln. Ref: 10/30/2007 K KING1 0016121400  
DAH:230925 Name/Number:11525666  
FC: 9204 \$500.00 CR



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KNOBBE, MARTENS, OLSEN & BEAR, LLP  
2040 Main Street  
Fourteenth Floor  
Irvine, CA 92614

JUL 21 2008

In re Application of	: DECISION ON REQUEST TO
Jun MATSUDA et al.	: PARTICIPATE IN PATENT
Application No. 11/525667	: PROSECUTION HIGHWAY
Filed: September 22, 2006	: PILOT PROGRAM AND PETITION
Attorney Docket No. ION2.007AUS	: 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) and the preliminary amendment, filed July 11, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
- (2) Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
  - b. An English translation of the allowable/patentable claim(s), if applicable; and
  - c. A statement that the English translation is accurate, if applicable;
- (3) Applicant must:
  - a. Ensure 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); and
  - b. Submit a claims correspondence table in English
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from

each of the JPO application(s) containing the allowable/patentable claims(s)  
or

ii. if the allowable/patentable claims(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or

iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS), applicant may request the USPTO obtain a copy from the SAD; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;

b. An English language translation of the JPO Office action from (5) (a)(i)-(ii) above, if applicable; and

c. A statement that the English translation is accurate;

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)

b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kathryn Gorgos at 571 272-1012.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.



Kathryn Gorgos  
TQAS TC 1700



**Novartis Animal Health US Inc.  
3200 Northline Avenue, Suite 300  
Greensboro NC 27408**

**MAILED**

**JAN 21 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Griffiths et al. :  
Application No. 11/525,695 : **DECISION ON PETITION**  
Filed: September 22, 2006 :  
Attorney Docket No. 32318-US-CNT :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 24, 2009, to revive the above-identified application.

The petition is **GRANTED**.

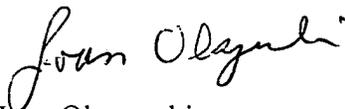
The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 9, 2008, which set a shortened statutory period for reply of three (3) months. A two-month extension of time under the provisions of 37 CFR 1.136(a) was timely obtained. Accordingly, the application became abandoned on September 10, 2008. A Notice of Abandonment was mailed March 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 continuation, (2) the petition fee of \$1,620.00, and (3) an adequate statement of unintentional delay.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No. 12/624,918, filed November 24, 2009.

It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. While, a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

A handwritten signature in cursive script that reads "Joan Olszewski".

Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc: Alireza Behrooz  
P.O. Box 7037  
Atlanta, GA 30357-0037

## EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	1111035	laser\$2	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/09/26 09:52
L2	370436	three-dimension\$4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/09/26 09:52
L3	488787	three adj dimension\$4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/09/26 09:53
L4	5071	threedimension\$4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/09/26 09:53
L5	43444	"3-D"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/09/26 09:53
L6	467	"three-D"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/09/26 09:54
L7	33368	"3-DIMENSIONAL"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/09/26 09:55

L8	741	"3-DIMENSION"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/09/26 09:55
L9	527258	2 or 3 or 4 or 5 or 6 or 7 or 8	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/09/26 09:56
L10	35314	9 near4 position\$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/09/26 09:57
L11	10831	9 near4 location\$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/09/26 09:57
L12	42692	10 or 11	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/09/26 09:58
L13	12606	determin\$6 same 12	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/09/26 09:58
L14	7337	calculat\$6 same 12	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/09/26 09:59
L15	7909	comput\$6 same 12	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/09/26 09:59

L16	19978	13 or 14 or 15	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/09/26 10:00
L17	5274	16 and 1	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/09/26 10:00
L18	428292	1 near6 beam\$2	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/09/26 10:00
L19	2082	17 and 18	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/09/26 10:00
L20	2229212	Integrat\$5	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/09/26 10:04
L21	1013	20 and 19	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/09/26 10:04
L22	68886	20 same 1	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/09/26 10:05
L23	398	22 and 21	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/09/26 10:05

L24	151226	1 with detect\$5	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/09/26 10:05
L25	984	24 and 19	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/09/26 10:05

9/26/08 10:06:25 AM

C:\Program Files\USPTO\EAST\Bin\default.wsp

## EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
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L2	114798	three-dimension\$4	US-PGPUB	OR	OFF	2008/09/26 14:27
L3	145665	three adj dimension\$4	US-PGPUB	OR	OFF	2008/09/26 14:27
L4	180	threedimension\$4	US-PGPUB	OR	OFF	2008/09/26 14:27
L5	17093	"3-D"	US-PGPUB	OR	OFF	2008/09/26 14:28
L6	63	"three-D"	US-PGPUB	OR	OFF	2008/09/26 14:28
L7	13485	"3-dimensional"	US-PGPUB	OR	OFF	2008/09/26 14:28
L8	206	"3-DIMENSION"	US-PGPUB	OR	OFF	2008/09/26 14:29
L9	159194	2 or 3 or 4 or 5 or 6 or 7 or 8	US-PGPUB	OR	OFF	2008/09/26 14:30
L10	1971	(9 and 1).clm.	US-PGPUB	OR	OFF	2008/09/26 14:30
L11	11542	9 near4 position\$3	US-PGPUB	OR	OFF	2008/09/26 14:31
L12	4725	9 near4 location\$3	US-PGPUB	OR	OFF	2008/09/26 14:31
L13	14725	11 or 12	US-PGPUB	OR	OFF	2008/09/26 14:31
L14	2743	13.clm.	US-PGPUB	OR	OFF	2008/09/26 14:31
L15	238	14 and 10	US-PGPUB	OR	OFF	2008/09/26 14:31
L16	83568	1 near4 beam\$2	US-PGPUB	OR	OFF	2008/09/26 14:32
L17	17789	16.clm.	US-PGPUB	OR	OFF	2008/09/26 14:32
L18	90	15 and 17	US-PGPUB	OR	OFF	2008/09/26 14:32

9/26/08 2:33:24 PM

C:\Program Files\USPTO\EAST\Bin\default.wsp



WEAVER AUSTIN VILLENEUVE & SAMPSON LLP - NOVL  
ATTN: NOVELLUS SYSTEMS INC  
PO BOX 70250  
OAKLAND CA 94612-0250

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**NOV 27 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Jerrod P. Krebs :  
Application No. 11/525,712 : DECISION ON PETITION  
Filed: September 21, 2006 :  
Attorney Docket No. NOVLP159/NVLS- :  
3155 :

This is a decision on the "PETITION TO CORRECT FILING DATE OF AN AMENDMENT BASED ON CERTIFICATE OF ELECTRONIC FILING SYSTEM (EFS) TRANSMISSION", filed September 28, 2009.

The petition is **DISMISSED**.

The Office mailed a non-final Office action on June 23, 2009. On September 24, 2009, applicants filed an Amendment, made timely by including a Certificate of Transmission dated September 23, 2009. On September 28, 2009, applicants filed the instant petition, requesting that the filing date of the Amendment be corrected to September 23, 2009. Petitioner states that because the Amendment was transmitted to the Office at 9:18pm Pacific Standard Time, the Amendment should be accorded a filing date of September 23, 2009.

Correspondence is considered filed in the Patent Office on the date it is received (unless the correspondence is received on a Saturday, Sunday, or federal holiday, in which case it will considered to be filed on the following business day). One

exception is for correspondence filed via Express Mail under the provisions of 37 CFR 1.10. In that instance, correspondence will be considered filed on the date it is deposited as Express Mail. See generally 37 CFR 1.8, 37 CFR 1.10, MPEP 512, MPEP 513.

As such, as the Amendment was not received in the Office until September 24, 2009, it was filed on that date. However, because the Amendment included a Certificate of Transmission dated September 23, 2009, it will be considered timely in response to the June 23, 2009, for purposes of avoiding abandonment.

The application is being forwarded to Group Art Unit 2121 for consideration of the Amendment filed September 24, 2009 (Certificate of Transmission dated September 23, 2009).

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions



Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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**KEVIN FARRELL  
PIERCE ATWOOD  
ONE NEW HAMPSHIRE AVENUE  
PORTSMOUTH NH 03801**

**MAILED**

**MAR 02 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Douglas B. Spicer :  
Application No. 11/525,715 : **DECISION ON PETITION**  
Filed: September 22, 2006 :  
Attorney Docket No. MMC-2003US02 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 23, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to reply in a proper and timely manner to the final Office action mailed October 15, 2008. A one-month extension of time under the provisions of 37 CFR 1.136(a) was timely obtained. Accordingly, this application became abandoned on February 16, 2009. A Notice of Abandonment was mailed June 5, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a 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.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This matter is being referred to Technology Center 1633 for processing of the Request for Continued Examination under 37 CFR 1.114 and the Amendment filed with the instant petition.

Joan Olszewski  
Petitions Examiner  
Office of Petitions



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**MAILED**

APR 26 2010

In re Application of

**OFFICE OF PETITIONS**

Murata, et al.

ON PETITION

Application No. 11/525,716

Filing Date: September 22, 2006

Attorney Docket No. AOY-4023US

This is a decision on the petition under 37 CFR 1.137(b), filed February 23, 2010.

The renewed petition is **GRANTED**.

This application became abandoned for failure to respond in a timely manner to the non-final Office action mailed July 1, 2009. The notice allowed a shortened statutory period for reply of three months from its mailing date. A proper reply was received within the allowable period, and the application became abandoned on January 2, 2010. A Notice of Abandonment was mailed on February 16, 2010.

The amendment filed February 23, 2010, is noted.

The application is being forwarded to Technology Center 2800, GAU 2838 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**ANTHONY COLESANTI, ESQ.**  
**100 SOCKANOSSETT CROSSROAD**  
**CRANSTON, RI 02920**

**COPY MAILED**

OCT 24 2007

**OFFICE OF PETITIONS**

In re Application of	:	
Wallace, Jeffrey M.	:	
Application No. 11/525,733	:	ON PETITION
Filed: September 22, 2006	:	
Attorney Docket No. 140-PDD-06-21	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 24, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an oath/declaration and the late surcharge; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$1590.00 extension of time fee submitted with the petition on September 24, 2007, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

This matter is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

  
Liana Walsh  
Petitions Examiner  
Office of Petitions



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**BLAKELY SOKOLOFF TAYLOR & ZAFMAN**  
**12400 WILSHIRE BOULEVARD, 7<sup>th</sup> FLOOR**  
**LOS ANGELES, CA 90025-1030**

**COPY MAILED**

**DEC 0 8 2006**

**OFFICE OF PETITIONS**

In re Application of :

**DEGENHARDT**, et al. :

Application No. 11/525,734 :

Filed: September 22, 2006 :

Attorney Docket No. 005306.P142 :

**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 10, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Marina Portnova of BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 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: **CSA, LLP**  
**4807 SPICEWOOD SPRING ROAD**  
**BUILDING 4, SUITE 201**  
**AUSTIN, TX 78759**


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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/525,734	09/22/2006	Jon Rexford Degenhardt	005306.P142

08791  
 BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
 12400 WILSHIRE BOULEVARD  
 SEVENTH FLOOR  
 LOS ANGELES, CA 90025-1030

**CONFIRMATION NO. 2050**


\*OC000000021534931\*

Date Mailed: 12/08/2006

**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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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/525,734	09/22/2006	Jon Rexford Degenhardt	005306.P142

**CONFIRMATION NO. 2050**

60975  
 CSA LLP  
 4807 SPICEWOOD SPRINGS RD.  
 BLDG. 4, SUITE 201  
 AUSTIN, TX 78759



Date Mailed: 12/08/2006

**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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JUDY JARECKI-BLACK; PH.D., J.D.  
3239 SATELLITE BLVD. 3RD FLOOR  
DULUTH, GA 30096

Mail Date: 05/24/2010

**Applicant** : Stefan Schnatterer : DECISION ON REQUEST FOR  
**Patent Number** : 7659288 : RECALCULATION of PATENT  
**Issue Date** : 02/09/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/525,741 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/22/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **661** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.





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BARLEY MILL PLAZA 25/1122B  
4417 LANCASTER PIKE  
WILMINGTON, DE 19805

Mail Date: 04/26/2010

<b>Applicant</b>	: Mark Andrew Harmer	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7625941	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/525,751	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/22/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **488** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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Morgan, Lewis & Bockius LLP / NavCom-Deere  
2 Palo Alto Square  
3000 El Camino Real  
Palo Alto, CA 94306

Mail Date: 04/21/2010

<b>Applicant</b>	: Ronald R. Hatch	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7633437	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/525,756	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/22/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **187** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
PO BOX 37428  
RALEIGH NC 27627

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OCT 14 2008

**OFFICE OF PETITIONS**

In re Application of:  
EATON, William Chris  
Application No.: 11/525,768  
Filed: September 22, 2006  
Attorney Docket No.: 9314-17CT

DECISION APPROVING  
WITHDRAWAL OF ATTORNEY

This is a decision on the Request to Withdraw as Attorney/Agent of Record under 37 CFR § 1.36, filed October 2, 2008.

The Request is **APPROVED**.

Debra K. Stephens requests that she alone be withdrawn as an attorney under 37 CFR § 1.36, pursuant to the reason set forth under 37 CFR § 10.40(b)(2), because of her current employment by the United States Patent and Trademark Office. Since the Request satisfies all of the requirements for withdrawal, it is appropriate to approve the Request and withdraw only Ms. Stephens as an attorney of record.

All future communications from the Office will continue to be directed to the above-identified correspondence address.

A courtesy copy of this decision is being mailed to Ms. Stephens at the address identified in the Request.

Telephone inquiries relating to this decision should be directed Brian W. Brown at (571) 272-5338.

Brian W. Brown  
Petitions Examiner  
Office of Petitions

Cc: Debra K. Stephens  
301 Edgemore Avenue  
Cary, NC 27519



The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the application, the petition and the required fees were not filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; and did not include a statement asserting that EFS and EFS-web were not available during the normal business hours. See also MPEP 708.02.

Applicant should note that a petition to make special filed on or after August 25, 2006 will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or if it complies with the requirements set forth in MPEP 708.02(a).

For the above-stated reasons, the petition is denied. Therefore, the file will be taken up by the examiner in its regular turn.

Any inquiry regarding this decision should be directed to Krista Zele, Quality Assurance Specialist, at (571) 272-7288.

/Krista M. Zele/

---

Quality Assurance Specialist  
Technology Center 2600  
Communications



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MAR 07 2008

**OFFICE OF PETITIONS**

**RONALD D. SLUSKY**  
353 WEST 56TH STREET, SUITE 5L  
NEW YORK, NY 10019-3775

In re Application of	:	
HAN, et al.	:	
Application No. 11/525,795	:	DECISION ON PETITION
Filed: September 22, 2006	:	TO WITHDRAW
Attorney Docket No. 03030-1 CON	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 27, 2007.

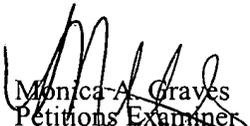
The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, “[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]” More specifically, 37 CFR 10.40 states, “[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is” for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, “mutual agreement between attorney and assignee”, does not meet any of the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 7253.



Monica A. Graves  
Petitions Examiner  
Office of Petitions

cc: **JON COOK**  
**VIDEIENT SYSTEMS, INC.**  
640 WEST CALIFORNIA AVENUE, SUITE 220  
SUNNYVALE, CA 94086

*ETH*



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**RONALD D. SLUSKY**  
353 WEST 56TH STREET, SUITE 5L  
NEW YORK, NY 10019-3775

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MAR 07 2008

**OFFICE OF PETITIONS**

In re Application of  
**HAN, et al.**  
Application No. 11/525,795  
Filed: September 22, 2006  
Attorney Docket No. 03030-1 CON

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 27, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, “[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]” More specifically, 37 CFR 10.40 states, “[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is” for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, “mutual agreement between attorney and assignee”, does not meet any of the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 7253.

*Monica A. Graves*  
Monica A. Graves  
Petitions Examiner  
Office of Petitions

cc: **JON COOK**  
**VIDEIENT SYSTEMS, INC.**  
640 WEST CALIFORNIA AVENUE, SUITE 220  
SUNNYVALE, CA 94086



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FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON DC 20001-4413

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**DEC 29 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Fukushima, et al. :  
Application No. 11/525,817 : **ON PETITION**  
Filed: September 25, 2006 :  
Attorney Docket No. 07906.0081 :  
For: MULTI-VIEWPOINT IMAGE  
GENERATION APPARATUS, MULTI-  
VIEWPOINT IMAGE GENERATION  
METHOD, AND MULTI-VIEWPOINT  
IMAGE GENERATION PROGRAM

This is a decision on the petition, filed November 30, 2006, requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Nonprovisional Application (Notice), mailed October 17, 2006.

The petition under 37 CFR 1.53(e) is **GRANTED**.

The application was filed on September 25, 2006. On October 17, 2006, the Office of Initial Patent Examination mailed a Notice informing applicants that page 76 of the specification appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that page 76 be accorded a filing date of September 25, 2006 on the basis that the entire specification, including allegedly missing page 76, was received in the Patent and Trademark Office (PTO) on September 25, 2006.

In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination date stamp, citing September 25, 2006 as the date of receipt. The postcard lists that the filing included, *inter alia*, 106 pages of specification.

A review of the application file reveals that 105 pages are present. Page 76 is missing.

The return postcard constitutes *prima facie* evidence that 106 pages of specification, including missing page 76, were filed on September 25, 2006. MPEP 503. Accordingly, the request is granted.

Pursuant to petitioners' request, the \$400.00 fee submitted with the instant petition will be refunded to petitioners' deposit account, no. 06-0916.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **September 25, 2006**, using the copy of page 76 supplied with the petition.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.



Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions

Paper No.: \_\_\_\_\_

DATE : 5/7/10

TO SPE OF : ART UNIT 3723 (3700)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/525,820 Patent No.: 7,654,887

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)  
Randolph Square – 9D10-A  
Palm Location 7580**

*Ernest C. White, LPE  
Randolph Sq. Ste 9D62A  
703 756-1590*

**Thank You For Your Assistance**

---

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

**Approved** All changes apply.

**Approved in Part** Specify below which changes do not apply.

**Denied** State the reasons for denial below.

**SPE Joseph J. Hail, III                      ARTUNIT 3723**



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/525,832 09/25/2006 Yoshinori Tazaki 296897US2 2212

7590 02/20/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

NGUYEN, HOA T

ART UNIT PAPER NUMBER

2627

NOTIFICATION DATE DELIVERY MODE

02/20/2009

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 (handwritten signature)

Patent Publication Branch
Office of Data Management

Adjustment date: 02/19/2009 BPOWELL
09/26/2006 HLE333 00000104 11525832
02 FC:1111 -500.00 OP

Refund Ref:
02/19/2009 0030066020

Credit Card Refund Total: \$600.00

Am Exp.: XXXXXXXXXXXX1006

Adjustment date: 02/19/2009 BPowell  
09/26/2006 RLE333 00000104 11525832  
02 FC:1111 -500.00 OP



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ROSENBERG, KLEIN & LEE  
3458 ELLICOTT CENTER DRIVE-SUITE 101  
ELLICOTT CITY, MD 21043

Mail Date: 05/10/2010

<b>Applicant</b>	: Chung-Han Wen	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7616184	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/525,846	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/25/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **601** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



SILVERBROOK RESEARCH PTY LTD  
393 DARLING STREET  
BALMAIN 2041  
AUSTRALIA

**MAILED**

**JAN 30 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
Silverbrook	:	
Application No. 11/525,857	:	DECISION ON PETITION
Filed: September 25, 2006	:	UNDER 37 CFR 1.55(c)
Attorney Docket No. XMB132US	:	

This is a decision on the petition under 37 CFR 1.55(c), filed September 2, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of priority to the filing date of Australian Application No. PO7991, filed July 15, 1997 and Australian Application No. PO8004, filed July 15, 1997.

The petition is **DISMISSED**.

This application was filed after November 29, 2000, and did not include a reference to the foreign applications, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign applications. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director may require additional information where there is a question whether the delay was unintentional); and

- (5) a claimed nonprovisional application must be filed within 12 months of the filing date of the foreign application.

While the petition meets the above requirements, it is not grantable for another reason. The Notice of Allowance and Fee(s) Due was mailed on the same day that the present petition was filed – September 2, 2008. On November 11, 2008, applicant paid the issue fee and publication fee.

The examiner of record has indicated that the claim for priority will not be entered because the proposed amendment raises new issues that would require further consideration and/or search. Therefore, the petition will not be granted without applicant filing a petition to withdraw from issue, a RCE, and a renewed petition under 37 CFR 1.55(c). Furthermore, it is noted that applicant has not submitted a certified copy of Australian Application PO8004. If the claim for priority or the certified copy of the foreign application is filed after the date the issue fee is paid, it must be accompanied by the processing fee set forth in 37 CFR 1.17(i), but the patent will not include the priority claim unless corrected by a certificate of correction under 35 U.S.C. 255 and 37 CFR 1.323. See 37 CFR 1.55(a)(2). Once the certified copy is filed, a certificate of correction (and required fee) for the addition of Australian Application PO8004 is required, as well.

In summary: If applicant desires to claim priority to the foreign applications noted in the ADS, then applicant must withdraw the application from issue, submit a RCE, submit a renewed petition under 37 CFR 1.55(c), submit a certified copy of Australian Application PO8004, and a certificate of correction for the addition of Australian Application PO8004.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Mail Stop PETITIONS  
                                  Commissioner for Patents  
                                  Post Office Box 1450  
                                  Alexandria, VA 22313-1450

By hand:                   Customer Service Window  
                                  Mail Stop Petitions  
                                  Randolph Building  
                                  401 Dulany Street  
                                  Alexandria, VA 22314

By fax:                    (571) 273-8300  
                                  ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230.

  
Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



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RABIN & Berdo, PC  
1101 14TH STREET, NW  
SUITE 500  
WASHINGTON, DC 20005

Mail Date: 04/21/2010

<b>Applicant</b>	: Yoshimi Egawa	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7646086	: RECALCULATION of PATENT
<b>Issue Date</b>	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
<b>Appliction No</b>	: 11/525,868	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/25/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **72** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

Mail Date: 04/30/2010

**Applicant** : Tomoya Matsui : DECISION ON REQUEST FOR  
**Patent Number** : 7623092 : RECALCULATION of PATENT  
**Issue Date** : 11/24/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/525,897 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/25/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **657** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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**SEP 22 2009**

**OFFICE OF PETITIONS**

GLOBAL IP COUNSELORS, LLP  
1233 20TH STREET, NW, SUITE 700  
WASHINGTON DC 20036-2680

In re Application of :  
Toru Takasone : DECISION ON APPLICATION  
Application No. 11/525,906 : FOR PATENT TERM ADJUSTMENT  
Filed: September 25, 2006 :  
Atty Docket No. NC-US051054 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705", filed June 8, 2009, which is properly treated under 37 CFR 1.705(b). Applicant requests that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from two hundred sixteen (216) days to two hundred forty-four (244) days.

The application for patent term adjustment is **DISMISSED**.

On April 22, 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 216 days. On June 8, 2009, applicant timely submitted the instant application for patent term adjustment.<sup>1</sup> Applicant disputes the period of adjustment of 243 days for the Office taking in excess of 14 months from the date on which the application was filed to mail at least one of a notification under 35 U.S.C. 132. Specifically, applicant states that:

...the patent term adjustment provided on the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) was calculated with July 25, 2008 as the mailing date of the action under 35 U.S.C. 132. However, as acknowledged in the August 22, 2008 Supplemental Restriction Requirement, the restriction requirement issued on July 25, 2008, **was not proper**. In other words, the July 25, 2008, restriction requirement did not properly state the reasons for requirement, together with such information and references

---

<sup>1</sup> PALM records indicate that the issue fee payment was received on June 9, 2009.

as may be useful in judging the propriety of continuing prosecution of the application as **required under 35 U.S.C. 132**. Accordingly, Applicant believes that the mailing date of an action under 35 U.S.C. 132 for purposes of calculating the patent term adjustment under § 1.703(a)(1) is **August 22, 2008**, not July 25, 2008.

*Excerpt taken from Application for Patent Term Adjustment Under 37 CFR 1.705, filed June 8, 2009, p. 2. (Emphasis in original).*

#### RELEVANT STATUTES AND REGULATIONS

35 U.S.C. 154(b)(1)(A)(i) provides that:

- Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the Patent and Trademark Office to-

(i) provide at least one of the notifications under section 132 of this title or a notice of allowance under section 151 of this title not later than 14 months after-

(I) the date on which an application was filed under section 111(a) of this title; or

(II) the date on which an international application fulfilled the requirements of section 371 of this title[.]

37 CFR 1.702 provides that:

(a) Failure to take certain actions within specified time frames. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to:

(1) Mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 in an international application[.]

37 CFR 1.703 provides, in pertinent part, that:

(a) The period of adjustment under § 1.702(a) is the sum of the following periods:

(1) The number of days, if any, in the period beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first[.]

#### OPINION

Applicant's arguments and evidence have been considered. In light of the application history, it has been determined that the period of adjustment of 243 days for Office delay pursuant to 37 CFR 1.702(a)(1) is correct. It is undisputed that the Office mailed an action under 35 U.S.C. 132 in the form of a Restriction Requirement on July 25, 2008, fourteen months and 243 days after the actual filing date of this application. On August 22, 2008, the Office mailed a supplemental Restriction Requirement.

The subsequent mailing of another Office action under 35 U.S.C. 132 does not alter the date used in calculation of the period of adjustment. Pursuant to 35 U.S.C. 154(b)(1)(A), applicant is only entitled to day-to-day restoration of term lost as a result of delay created by the Office, after the first 14 months of pendency of the application before the Office, to the extent that the Office failed to make an objection or argument under 35 U.S.C. 132 until July 25, 2008. The fact that the Office later supplemented the Restriction Requirement does not negate the fact that the Office took action within the meaning of 37 CFR 1.702(a)(1) on July 25, 2008. Thus, it is correct for the Office to use the date of July 25, 2008, in calculating the period of adjustment due to the examination delay in initially acting on this application. See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term; Final Rule, 65 Fed. Reg. 56366 (September 18, 2000). Accordingly, the period of adjustment of 243 days is correct and will not be changed.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance remains 216 days.

The \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Kenya A. McLaughlin, Petition Attorney, at (571) 272-3222.

*Christina Tartera Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/525,933	09/25/2006	Yutaka Sakasai	Q94888	1768
7590 06/02/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER LUU, MATTHEW	
			ART UNIT	PAPER NUMBER
			2861	
			MAIL DATE	DELIVERY MODE
			06/02/2008	PAPER

**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management

Refund Ref:  
06/02/2008 NFARMER 0000162950

Adjustment date: 06/02/2008 NFARMER  
09/27/2006 DENRAN01 00000090 11525933  
02 FC:1111 -500.00 OP

CHECK Refund Total: \$500.00



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**OFFICE OF PETITIONS**

OGILVY RENAULT LLP  
1981 MCGILL COLLEGE AVENUE  
SUITE 1600  
MONTREAL QC H3A2Y-3 CA CANADA

In re Application of :  
Klaus Kacy :  
Application No. 11/525,955 : ON PETITION  
Filed: September 25, 2006 :  
Attorney Docket No.: 2157-584US :  
SC/bs :

This is a decision on the petition filed December 18, 2006 requesting in effect that the Notice of Omitted Item(s) in a Nonprovisional Application ("Notice") mailed October 16, 2006 be withdrawn.

The application was filed on September 25, 2006. However, on October 16, 2006, the Office of Initial Patent Examination mailed a Notice stating that the application had been accorded a filing date of September 25, 2006 and advising applicant that "figures 4" described in the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends no drawings were omitted upon filing on September 25, 2006. Petitioner acknowledges the drawings submitted on September 25, 2006 included an unlabeled drawing. The petition is accompanied by replacement drawings as required by the Notice of Missing Parts.

The petition is Dismissed.

Applicant is not seeking to submit any additional drawings. However, the office was correct in stating that figure 4 appeared to have been omitted.

The "Notice" mailed October 16, 2006, was correct in advising applicant that figure 4 appeared to have been omitted, since no

drawings labeled "figure 4" were filed on September 25, 2006. Therefore, the "Notice" was properly mailed and will not be withdrawn.

The petition is dismissed. The petition fee will not be refunded as the petition was necessitated by the condition of the application on filing.

An amendment with replacement sheets of drawings unless previously submitted in compliance with 37 CFR 1.121(d) is required in a nonprovisional application to renumber the drawing figures consecutively, if necessary, an amendment of the specification is required to correct the references to the drawing figures to correspond with any relabeled drawing figures, both in the brief and detailed descriptions of the drawings. Such amendment should be submitted as a preliminary amendment prior to the first Office action to avoid delays in the prosecution of the application.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of September 25, 2006 using the sheets of drawings filed on that date.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.



Charlema R. Grant  
Petitions Attorney  
Office of Petitions



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CAVEN & AGHEVLI LLC  
C/O CPA GLOBAL  
P.O. BOX 52050  
MINNEAPOLIS MN 55402

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**OFFICE OF PETITIONS**

In re Application of	:	
Julier et al.	:	
Application No. 11/525,981	:	ON PETITION
Filed: September 22, 2006	:	
Attorney Docket No. 42P24875	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 27, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$1,110.00 extension of time fee submitted with the petition was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 2181 for further examination on the merits.

Liana Walsh  
Petitions Examiner  
Office of Petitions



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INTEL/BSTZ  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

Mail Date: 06/02/2010

<b>Applicant</b>	: Valery M. Dubin	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7633080	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/525,984	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/22/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **417** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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**BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD, 7th FLOOR  
LOS ANGELES CA 90025-1030**

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DEC 1 2 2006  
OFFICE OF PETITIONS**

In re Application of	:	
<b>YASEEN, et al.</b>	:	
Application No. 11/525,985	:	<b>DECISION ON PETITION</b>
Filed: September 22, 2006	:	<b>TO WITHDRAW</b>
Attorney Docket No. 005306.P141	:	<b>FROM RECORD</b>
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 10, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Marina Portnova of BLAKELY SOKOLOFF TAYLOR & ZAFMAN 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: **CSA LLP  
4807 Spicewood Spring Road  
Building 4, Suite 201  
Austin, TX 78759**


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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/525,985	09/22/2006	Rahim Mohamed Yaseen	005306.P141

08791  
 BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
 12400 WILSHIRE BOULEVARD  
 SEVENTH FLOOR  
 LOS ANGELES, CA 90025-1030

**CONFIRMATION NO. 1307**


\*OC000000021562576\*

Date Mailed: 12/11/2006

**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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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/525,985	09/22/2006	Rahim Mohamed Yaseen	005306.P141

60975  
 CSA LLP  
 4807 SPICEWOOD SPRINGS RD.  
 BLDG. 4, SUITE 201  
 AUSTIN, TX 78759

**CONFIRMATION NO. 1307**


\*OC000000021562583\*

Date Mailed: 12/11/2006

**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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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/525,990	09/25/2006	Jean-Philippe Charrier	113934.01

OLIFF & BERRIDGE, PLC  
P.O. BOX 19928  
ALEXANDRIA VA 22320

DATE MAILED: July 2, 2007

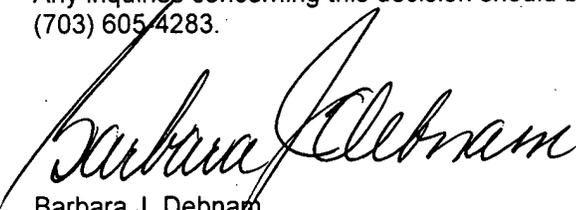
**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**  
*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d) filed June 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



VOLENTINE & WHITT PLLC  
ONE FREEDOM SQUARE  
11951 FREEDOM DRIVE SUITE 1260  
RESTON, VA 20190

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**NOV 30 2009**

**OFFICE OF PETITIONS**

In re Application of :  
**Seung Jae LEE** :  
Application No. 11/526,015 : DECISION GRANTING PETITION  
Filed: September 25, 2006 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. **SEC.1576** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 25, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on October 29, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

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.

/Monica A. Graves/  
Petitions Examiner, Office of Petitions

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<sup>1</sup> *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



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**MAIL**

**MAY 11 2009**

**DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600**

**DECISION ON PETITION  
UNDER 37 C.F.R. § 1.181**

ROBERT E. BUSHNELL & LAW FIRM  
2029 K STREET NW  
SUITE 600  
WASHINGTON DC 20006-1004

In re Application of: PARK, Kum-Rye, et. al.  
Application No. **11/526,026**  
Filed: September 25, 2006  
Docket No. P58010  
Title: VIDEO CONFERENCING USING WHITE  
BOARD

This is a decision on the petition filed on March 03, 2009 under 37 CFR § 1.181(a)(3) requesting that the Examiner consider all references listed on the PTO-1449 filed with the Information Disclosure Statements (IDS) on April 25, 2007.

The petition is **DISMISSED AS MOOT**.

A review of the file of instant application indicates that on May 06, 2009, the Office considered each of the references listed on the PTO-1449 above mentioned and that applicant was informed of such via a PTO-90C communication. Since each of those references listed on the above mentioned IDS has been already considered, this petition is rendered moot.

Accordingly, the petition is **DISMISSED AS MOOT**.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3902. If attempts to reach the undersigned by telephone are unsuccessful, Kim Huynh, Quality Assurance Specialist, can be reached at (571) 272-4147.

/bp/

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist  
Technology Center 2400  
**Network, Multiplexing, Cable and Security**



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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

Mail Date: 04/21/2010

<b>Applicant</b>	: Zeljko Bajic	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7643460	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/526,027	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/25/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **464** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



THE PROCTER & GAMBLE COMPANY  
INTELLECTUAL PROPERTY DIVISION - WEST BLDG.  
WINTON HILL BUSINESS CENTER - BOX 412  
6250 CENTER HILL AVENUE  
CINCINNATI OH 45224

*In re* Application of: :  
Minoguchi, Ryo et al :  
Serial No.: 11/526,041 :  
Filed: Sep. 22, 2006 : DECISION ON PETITION  
Docket: 10577 :  
Title: TAMPON HAVING AN ASYMMETRIC :  
INSERTION END :

This is a decision on the petition filed on Mar. 31, 2008 seeking to withdraw the Office action mailed Dec. 31, 2007. This petition is being considered pursuant to 37 CFR §1.181. No fee is required.

The petition is dismissed as untimely.

In the Mar. 31, 2008 petition, the petitioner requests the Office action of Dec. 31, 2007 be withdrawn because the examiner failed to specifically reject dependent claims 5-6 and 11 in the final rejection.

The record shows that:

- 1) On Jul. 5, 2007, the examiner mailed a non-final Office Action. According to the Office Action Summary page, claims 1-20 were rejected. In the Detailed Action, the examiner failed to specifically reject dependent claims 5-6 and 11.
- 2) On Oct. 3, 2007, the applicant submitted an amendment to independent claims 1, 12 and 16 and dependent claims 5 and 13. Claim 2 was cancelled. The applicant did not mention the examiner's failure to specifically reject dependent claims 5, 6 and 11 in the amendment.
- 3) On Dec. 31, 2007, the examiner mailed a final Office action rejecting all pending claims as indicated by the Office Action Summary page. Again, the examiner failed to specifically reject the dependent claims 5, 6 and 11.
- 4) On Mar. 31, 2008 the present petition was filed. Applicant requests that the final Office action be withdrawn because the examiner failed to specifically reject dependent claims 5, 6 and 11 in the first Office action mailed on Jul. 5, 2007 and in the final rejection of Dec. 31, 2007.

A review of the record shows that the instant petition was filed three months after the mailing date of the final Office action of Dec. 31, 2007. Pursuant to 37 CFR 1.181(f)<sup>1</sup>, the petition is not timely filed since the petition was not filed within two months of the action complained of. As the petition was not timely filed, the requested withdrawal of finality of the Office action of Dec. 31, 2007 will not be granted.

With regard to arguments for failure to specifically reject the dependent claims 5-6 and 11, the record shows that the applicant failed to bring to the examiner's attention prior to the expiration of the statutory period to respond in accordance with MPEP 710.06<sup>2</sup>. At this point in time, there is no basis to re-mail a supplemental Office action and restart a new period to respond. It is further noted that the applicant waited until Mar. 31, 2008, the last day to file a response to the outstanding Office action, to file the current petition to withdraw the Office action with no time left to prepare a response. Since the applicant did not file this petition to withdraw the Office action until the expiration day of the original time period for reply and there is no time period left for the applicant to submit a reply, then, this application is abandoned as of April 1, 2008, unless an appropriate extension of time is filed.

In reviewing both Office actions, it is noted that in applying the U.S. Patent Application 2004/0199137 (Lamb), the last sentence of each rejection states "Lamb further discloses a covering material extending beyond the withdrawal end of the tampon (paragraphs 0065-0066)." It would appear that this sentence covers the subject matter set forth in claims 5, 6 and 11 and would have been evident and obvious to one of ordinary skill in the art. Under the circumstances, the final rejection stands. In view of the record, petitioner's request to withdraw the final rejection dated Dec. 31, 2007 is dismissed as untimely.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". The application is being forwarded to the Supervisory Patent Examiner of Art Unit 3761 waiting for the applicant's response to the outstanding Office action. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED AS UNTIMELY.

  
\_\_\_\_\_  
Frederick R. Schmidt, Director  
Technology Center 3700

<sup>1</sup> 37 CFR 1.181(f): The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

<sup>2</sup> MPEP 710.06 [R-3] Situations When Reply Period Is Reset or Restarted If the error in citation or other defective Office action is called to the attention of the Office after the expiration of the period for reply, the period will not be restarted and any appropriate extension fee will be required to render a reply timely. The Office letter correcting the error will note that the time period for reply remains as set forth in the previous Office action.



**THE PROCTER & GAMBLE COMPANY  
GLOBAL LEGAL DEPARTMENT - IP  
SYCAMORE BUILDING - 4TH FLOOR  
299 EAST SIXTH STREET  
CINCINNATI, OH 45202**

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**NOV 10 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Minoguchi et al. :  
Application No. 11/526,041 : **ON PETITION**  
Filed: September 22, 2006 :  
Attorney Docket No. 10577 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 23, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of December 31, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is April 1, 2008. A Notice of Abandonment was mailed August 14, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114, (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 AU 3761 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.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



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MCDERMOTT WILL & EMERY LLP  
600 13TH STREET, NW  
WASHINGTON, DC 20005-3096

Mail Date: 05/03/2010

**Applicant** : Yasue Yamamoto : DECISION ON REQUEST FOR  
**Patent Number** : 7623380 : RECALCULATION of PATENT  
**Issue Date** : 11/24/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/526,057 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/25/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **455** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025-1030

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MAY 14 2007

**OFFICE OF PETITIONS**

In re Application of  
Zohar, Abdallah, Sabanin, and Seconi  
Application No.: 11/526,065  
Filed: September 22, 2006  
Attorney Docket No: 42P24839  
Invention: **METHOD AND APPARATUS FOR PERFORMING SELECT  
OPERATIONS**

:  
:  
: DECISION ACCORDING  
: RULE 47(a) STATUS

This is in response to the petition under 37 CFR 1.47(a), filed March 9, 2007.

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.

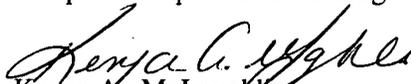
The above-cited application was filed on September 22, 2006, without a properly executed declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on October 12, 2006, allowing a shortened period for reply of two months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). The notice required a proper oath or declaration to be filed and payment of a surcharge and the filing fee. The instant petition was filed on March 9, 2007, with a request for extension of time within the fifth month.

Petitioner has shown that inventor Abdallah has constructively refused to join the prosecution of the application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

  
Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



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SUITE 5400  
SEATTLE, WA 98104

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**MAY 25 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Nowak, Kieronska, and Morley :  
Application No. 11/526,066 : DECISION REFUSING STATUS  
Filed: September 22, 2006 : UNDER 37 CFR 1.47(b)  
Attorney Docket No. 830095.401C1 :  
For: **FLUID COOLED WET BRAKE SYSTEM**

This is a decision on the petition under 37 CFR 1.47(b), filed April 13, 2007.

The petition under 37 CFR 1.47(b) is **dismissed**.

Any request for reconsideration under this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Failure to respond will result in the abandonment of this application. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(b).

The above-identified application was filed on September 22, 2006, without an executed oath or declaration. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on October 12, 2006, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. The instant petition was filed on April 13, 2007, with a request for an extension of time within the second month.

A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings);

- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee,
- (4) a statement of the last known address of the non-signing inventor,
- (5) proof of proprietary interest, and
- (6) a showing (statement) that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

The instant petition lacks item (2) as set forth above.

As to item (2), petitioner failed to file a proper oath or declaration with the instant petition as required by 37 CFR 1.47. Section 409.03 (b) of the MPEP states, in pertinent part, that:

[t]he 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.54 or 1.175. Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person including an attorney or agent authorized 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.

The "Declaration under 37 CFR 1.47(b)" filed with the petition is not proper. Petitioner should file a declaration under 37 CFR 1.63 containing the information required by 37 CFR 1.63 and showing signature blocks for the non-signing inventors. This declaration should, at its conclusion, contain a signature block for the authorized representative of the 37 CFR 1.47(b) applicant whereby the 37 CFR 1.47(b) applicant executes the declaration on its behalf and on behalf of the non-signing inventors.

*In re Application of Nowak, Kieronska, and Morley*  
11/526,066

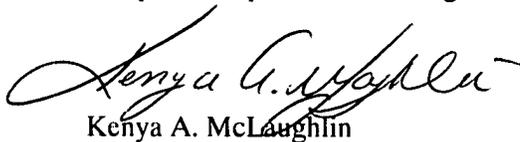
Page 3

Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Mail Stop Petitions  
                                  Commissioner for Patents  
                                  P.O. Box 1450  
                                  Alexandria, VA 22313-1450

By FAX:                   (571) 273-8300  
                                  Attn:   Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

A handwritten signature in cursive script, appearing to read "Kenya A. McLaughlin".

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



SEED INTELLECTUAL PROPERTY LAW GROUP PLLC  
701 FIFTH AVE  
SUITE 5400  
SEATTLE, WA 98104

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OCT 01 2007

In re Application of	:	
Nowak, Kieronska, and Morley	:	<b>OFFICE OF PETITIONS</b>
Application No.: 11/526,066	:	
Filed: September 22, 2006	:	:DECISION ACCORDING
Attorney Docket No: 830095.401C1	:	: STATUS UNDER
For: FLUID COOLED WET BRAKE SYSTEM	:	: RULE 47(b)

This is in response to the petition under 37 CFR 1.47(b), filed April 13, 2007.

The decision mailed May 25, 2007, is vacated.

The petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

The above-identified application was filed on September 22, 2006, without an executed oath or declaration. Accordingly, a "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed on October 12, 2006, requiring, in part, an executed oath or declaration and a surcharge for the late filing of the oath or declaration, along with other items. The petition under 37 CFR 1.47(b) was filed on April 13, 2006, with a request for an extension of time within the fourth month.

By the instant petition and evidentiary documents, petitioner has established that the 37 CFR 1.47(b) applicant has sufficient proprietary interest to proceed with prosecution of the application without the joint inventors.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



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Dorota Kieronska  
9 Keel Place  
Ocean Reef 6027  
AUSTRALIA

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OCT 01 2007

In re Application of :  
Nowak, Kieronska, and Morley :  
Application No.: 11/526,066 :  
Filed: September 22, 2006 :LETTER  
Attorney Docket No: 830095.401C1 :  
For: FLUID COOLED WET BRAKE SYSTEM :

**OFFICE OF PETITIONS**

Dear Inventor Kieronska:

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(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Kenya A. McLaughlin at (571) 272-3222. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

  
Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC  
701 FIFTH AVE  
SUITE 5400  
SEATTLE, WA 98104



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Vincent Morley  
20 Hill View Road  
Mt. Lawley 6050  
AUSTRALIA

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**OCT 01 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Nowak, Kieronska, and Morley :  
Application No.: 11/526,066 :  
Filed: September 22, 2006 :LETTER  
Attorney Docket No: 830095.401C1 :  
For: FLUID COOLED WET BRAKE SYSTEM :

Dear Inventor Morley:

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(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Kenya A. McLaughlin at (571) 272-3222. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

  
Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions

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701 FIFTH AVE  
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AUSTRALIA

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**OCT 01 2007**  
**OFFICE OF PETITIONS**

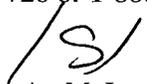
In re Application of :  
Nowak, Kieronska, and Morley :  
Application No.: 11/526,066 :  
Filed: September 22, 2006 :LETTER  
Attorney Docket No: 830095.401C1 :  
For: FLUID COOLED WET BRAKE SYSTEM :

Dear Inventor Nowak:

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(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Kenya A. McLaughlin at (571) 272-3222. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

  
Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC  
701 FIFTH AVE  
SUITE 5400  
SEATTLE, WA 98104



**Troxell Law Office, PLLC**  
**P.O. Box 1370**  
**Annandale, VA 22003**

**MAILED**

**MAR 29 2010**

**OFFICE OF PETITIONS**

In re Patent No. 7,591,274 :  
Issue Date: September 22, 2009 :  
Application No. 11/526,081 : **ON PETITION**  
Filed: September 25, 2006 :  
Attorney Docket No. BHT/3118-60 :

This is a decision on the petition under 37 CFR 1.182, filed November 13, 2009, requesting issuance of duplicate Letters Patent for the above-identified patent.

The petition is **DISMISSED**.

The petition can not be granted at this time because the petition was not sign by all of the inventors. See 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.

The revocation of power of attorney, filed November 13, 2009 is not acceptable since it was not signed by all of the inventors.

A petition under 37 CFR 1.182 requires a fee of \$400. There is no record that this fee has been paid.

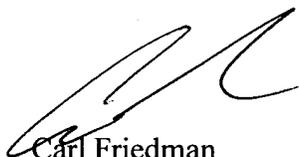
Further correspondence with respect to this matter should be addressed as follows:

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 related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.



Carl Friedman  
Petitions Examiner  
Office of Petitions

cc:    Chung-Kuang Lin  
       P.O. Box 55-846  
       Taipei (104), Taiwan



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**MAILED**

**JUN 21 2010**

**OFFICE OF PETITIONS**

**Chung-Kuang Lin**  
**P.O. Box 55-846**  
**Tapei 104 TW TAIWAN**

In re Patent No. 7,591,274 :  
Issue Date: September 22, 2009 :  
Application No. 11/526,081 : **ON PETITION**  
Filed: February 28, 2000 :  
Attorney Docket No. BHT/3118 :

This is a decision on the renewed petition under 37 CFR 1.182, filed April 13, 2010, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Office of Data Management is directed to issue a duplicate Letters Patent.

Telephone inquiries concerning this decision may be directed to Kimberly Inabinet at (571) 272-4618. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to the Office of Data Management at (703) 308-9250.

A copy of this decision is being forwarded to the Publishing Division for issuance of duplicate Letters Patent.

Carl Friedman  
Petitions Examiner  
Office of Petitions

cc: Niomi Farmer, RSQ, (Fax – (571) 270-9753))



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/526,121	09/25/2006	Young-ki Kwon	0001.1246

STEIN, MCEWEN & BUI, LLP  
1400 EYE STREET, NW  
SUITE 300  
WASHINGTON DC 20005

DATE MAILED: July 17, 2007

**DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)**  
*The declaration of express abandonment will not be recognized*

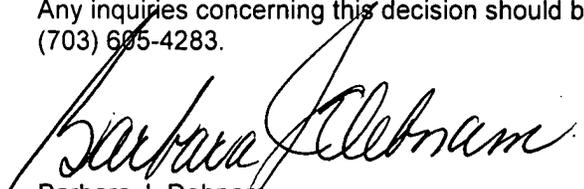
This is in response to the petition under 37 CFR 1.138(d) filed on July 5, 2007, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will not be recognized for the reason(s) indicated below:

- 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).
- The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (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.

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



**BUCHANAN, INGERSOLL  
& ROONEY LLP  
P.O. BOX 1404  
ALEXANDRIA, VA 22313-1404**

**COPY MAILED**

**JAN 24 2008**

In re Application of :  
Elena Maria MEDO, et al :  
Application No. 11/526,127 :  
Filed: September 22, 2006 :  
Attorney Docket No. 0069319.000015 :

**OFFICE OF PETITIONS  
DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 29, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Joseph R. Baker Jr. on behalf of all attorneys/agents associated with Customer Number 41790.

All attorneys/agents associated with Customer Number 41790 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

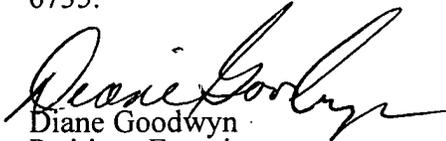
All future communications from the Office will be directed to the inventor at the copied address below until otherwise properly notified by the applicant.

There are no outstanding Office actions pending at the present 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) the intervening assignee of the entire interest. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.



Diane Goodwyn  
Petitions Examiner  
Office of Petitions

cc: ELENA MARIA MEDO  
25374 CORAL TREE COURT  
MURRIETA, CA 92563

Cc: ERICH E. VEITENHEIMER, PH.D,  
COOLEY GODWARD KRONISH, LLP  
777 6<sup>TH</sup> STREET, N.W., SUITE 1100  
WASHINGTON, DC 20001



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/526,127	09/22/2006	Elena Maria Medo	0069319-000015

**CONFIRMATION NO. 1143**

41790  
BUCHANAN, INGERSOLL & ROONEY LLP  
P.O. BOX 1404  
ALEXANDRIA, VA 22313-1404

**POWER OF ATTORNEY NOTICE**



Date Mailed: 01/24/2008

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 11/29/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199



# UNITED STATES PATENT AND TRADEMARK OFFICE

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Howard IP Law Group  
P.O. Box 226  
Fort Washington, PA 19034

Mail Date: 04/21/2010

**Applicant** : Manfred Mueller : DECISION ON REQUEST FOR  
**Patent Number** : 7596944 : RECALCULATION of PATENT  
**Issue Date** : 10/06/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/526,143 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/22/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **174** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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D1W Feb-08

HELLER EHRMAN LLP  
275 MIDDLEFIELD ROAD  
MENLO PARK CA 94025-3506

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**FEB 12 2008**

In re Application of :  
Raitano et al. :  
Application Number: 11/526183 :  
Filing Date: 09/22/2006 :  
Attorney Docket Number: 39766- :  
0163-1PlC3 :

**OFFICE OF PETITIONS**  
DECISION ON PETITION

This is in response to the petition under 37 CFR 1.47(a) filed on September 22, 2006.

The petition is **DISMISSED AS MOOT**.

In accordance with 37 CFR 1.63(d), petitioner has submitted a copy of the executed oath or declaration filed in Application No. 11/068,859, filed on February 28, 2005, of which the instant filing is a continuation application. Furthermore, a copy of the decision, mailed on October 13, 2005, granting a petition to accord § 1.47(a) status to prior application No. 11/068,859, has been placed in the file of the present application.

As Rule 1.47(a) status was granted in the prior application, this application is hereby accorded Rule 1.47(a) status.

As no petition is necessary to accord Rule 1.47(a) status in this application, the petition is dismissed as moot. No petition fee is necessary and none has been charged.

As provided in Rule 1.47(c), since notice was provided after the grant of Rule 1.47(a) status in the prior application, the Office is dispensing with the notice provision in this continuation application.

After this decision is mailed, the application will be referred to the Office of Patent Application Processing for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

  
Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



**Heller Ehrman, LLP**  
4350 La Jolla Village Drive, 7<sup>th</sup> Floor  
San Diego, CA 92122

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**AUG 04 2008**

In re Application of	:	
Arthur B. Raitano et al.	:	
Application No. 11/526,183	:	DECISION ON PETITION
Filed: September 22, 2006	:	TO WITHDRAW
Attorney Docket No. GNE-0163-1P1C3	:	FROM RECORD
	:	

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 10, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Leslie B. Overman, on behalf of all attorneys/agents associated with customer number 25213. All attorneys/agents associated with customer number 25213 have been withdrawn.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to the first signing inventor. A courtesy copy of this decision will be mailed to address as indicated in the request to withdraw. If the attorneys associated with this firm desire to receive future correspondence regarding this application, the proper power of attorney documents must be submitted.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

  
Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Arthur B. Raitano  
12685 Rose Avenue  
Los Angeles, CA 90064

cc: Goodwin Proctor, LLP  
Attn: Patent Administrator  
135 Commonwealth Drive  
Menlo Park, CA 94025-1105



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/526,183	09/22/2006	Arthur B. Raitano	GNE-0163-1P1C3

**CONFIRMATION NO. 3501**

**POWER OF ATTORNEY NOTICE**

25213  
HELLER EHRMAN LLP  
4350 La Jolla Village Drive, 7th Floor  
San Diego, CA 92122



OC000000031351845

Date Mailed: 08/04/2008

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 07/10/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



**SEED INTELLECTUAL PROPERTY LAW GROUP PLLC  
701 FIFTH AVE  
SUITE 5400  
SEATTLE WA 98104**

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**SEP 23 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Iverson et al. :  
Application No. 11/526,184 :  
Filed: September 21, 2006 :  
Attorney Docket No. 200179.401D2 :

**ON PETITION**

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 27, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Issue Fee Transmittal with payment of the issue and publication fees, (2) the petition fee, and (3) a proper statement of unintentional delay.

As the Power of Attorney was only recently given to the petitioner, 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.

Petitioner also submitted an Amendment after Allowance under 37 CFR 1.312 with the instant petition. Petitioner is advised that a Petition under 37 CFR. 1.78(a)(6) is necessary to amend the specification and update the priority claim. *See MPEP 201.11.*

The Office will not grant a request for a corrected filing receipt to include a benefit claim unless the proper reference to the prior application is included in the first sentence(s) of the specification or an ADS within the time period required by 37 CFR 1.78(a) with a few exceptions. If a benefit claim is added after the time period required by 37 CFR 1.78(a), a petition and the surcharge are required. See subsection V. "TIME PERIOD FOR MAKING A CLAIM FOR BENEFIT 37 CFR 1.78(a)(2) AND (a)(5)." Any petition under 37 CFR 1.78(a)(3) or (a)(6) must be accompanied by an amendment to the specification or an ADS unless the proper reference was previously submitted. In addition to the petition under 37 CFR 1.78 and the amendment or ADS, to add a benefit claim it may be necessary for applicant to file one of the following, depending on the status of the application:

(A) a request for continued examination (RCE) under 37 CFR 1.114, if the application is under a final rejection or has been allowed (see MPEP §706.07(h)). An amendment or ADS filed after final rejection or allowance is not entered as a matter of right and must be filed in compliance with 37 CFR 1.116 or 1.312, respectively; or

(B) a reissue application or a request for a certificate of correction under 37 CFR 1.323, if appropriate (see MPEP §§ 1402 and 1481), if the application has issued as a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.



Liana Walsh  
Petitions Examiner  
Office of Petitions



SEED INTELLECTUAL PROPERTY LAW GROUP PLLC  
701 FIFTH AVE  
SUITE 5400  
SEATTLE WA 98104

**MAILED**

**OCT 19 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Iverson et al. :  
Application No. 11/526184 : DECISION ON PETITION  
Filing or 371(c) Date: 09/21/2006 : UNDER 37 CFR 1.78(a)(6)  
Attorney Docket No. 200179.401D2 :

This is a decision on the "Petition to Accept Late Priority Claim Under 37 C.F.R. § 1.78(a)(6)," filed October 15, 2009, for the benefit of priority to the prior-filed provisional applications set forth in the amendment filed with the present petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(5)(ii). In addition, the petition under 37 CFR 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119 and 37 CFR 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119 is accepted as being unintentionally delayed.

**The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled**

**to the benefit of the prior-filed 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. § 119 and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed 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 provisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Derek Woods at (571) 272-3232. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1794 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 applications.



Anthony Knight  
Supervisor  
Office of Petitions

**ATTACHMENT:** Corrected Filing Receipt



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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/526,184, 09/21/2006, 1794, 800, 200179.401D2, 14, 1

CONFIRMATION NO. 9721

CORRECTED FILING RECEIPT



500
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE, WA 98104

Date Mailed: 10/19/2009

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)

Carl E. Iverson, Olympia, WA;
Scott P. Ager, Tumwater, WA;

Power of Attorney: The patent practitioners associated with Customer Number 00500

Domestic Priority data as claimed by applicant

This application is a DIV of 10/437,718 05/12/2003 PAT 7,169,423
which is a DIV of 09/615,586 07/13/2000 PAT 6,586,029
which claims benefit of 60/202,666 05/08/2000
and claims benefit of 60/169,773 12/09/1999
and claims benefit of 60/143,606 07/13/1999

Foreign Applications

If Required, Foreign Filing License Granted: 10/11/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/526,184

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

**Title**

FOOD PRODUCTS WITH A PROTECTIVE COATING

**Preliminary Class**

426

**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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AVAYA  
DEMONT & BREYER, LLC  
100 COMMONS WAY, STE 250  
HOLMDEL NJ 07733

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JAN 14 2010

In re Application of :  
Amit Goel et al :  
Application No. 11/526,194 : DECISION ON PETITION  
Filed: September 22, 2006 :  
Attorney Docket No. 633-107US :

This is a decision on the petition, filed November 6, 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 became abandoned by operation of law for failure to timely reply to the nonfinal Office action mailed March 13, 2009, which set a three (3) month shortened statutory period for reply.

Applicant files the present petition and states that, "On March 13, 2009, a paper was mailed by the Office to the applicants' previous attorney. The applicants' present attorney states, upon information and belief, that all correspondence received by the applicants' previous attorney was forwarded to the applicants' present attorney." Applicant further states that the applicants' present attorney never received the action mailed on March 13, 2009. Applicant provides a copy of the firm's Master Docket report for the month of September 2009, for the present application.

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, provides

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133). To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Petitioner 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, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions). (Emphasis supplied).

Analysis/conclusion

Regrettably, the petition is not grantable at this time. The Office requirements for granting a petition to withdraw the holding of abandonment based upon receipt of an Office communication have been modified. **The Office requires a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the U.S.P.O. The statement should establish that the docketing system is sufficiently reliable.** In addition, a copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, **if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action.** If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Accordingly, absent the required evidence to establish nonreceipt of the Office action of March 13, 2009, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

Additionally, the Office action of March 13, 2009, was properly mailed to the address of record at the time of mailing. There is no evidence to indicate that the previous attorney didn't receive the Office action mailed March 13, 2009. The record shows that a Power of Attorney was filed on June 16, 2009 and accepted on June 29, 2009.

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 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) 272-3208.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



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HOLMDEL NJ 07733

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APR 01 2010  
OFFICE OF PETITIONS

In re Application of :  
Amit Goel et al :  
Application No. 11/526,194 : DECISION ON PETITION  
Filed: September 22, 2006 :  
Attorney Docket No. 633-107US :

This is a decision on the renewed petition, filed February 16, 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**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application became abandoned by operation of law for failure to timely reply to the nonfinal Office action mailed March 13, 2009, which set a three (3) month shortened statutory period for reply.

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, provides

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never

received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133). To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Petitioner 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, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions). (Emphasis supplied).

Petitioner was advised in the decision mailed January 14, 2010 of the below:

The Office requirements for granting a petition to withdraw the holding of abandonment based upon-receipt of an Office communication have been modified. **The Office requires a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the U.S.P.O. The statement should establish that the docketing system is sufficiently reliable.** In addition, a copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. **That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action.** If no such master docket exists, the practitioner should so state and provide **other evidence such as, but not limited to, the following: the**



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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DEMONT & BREYER, LLC  
100 COMMONS WAY, STE 250  
HOLMDEL NJ 07733

MAILED  
JUN 16 2010  
OFFICE OF PETITIONS

In re Application of :  
Amit Goel et al :  
Application No. 11/526,194 : DECISION ON PETITION  
Filed: September 22, 2006 :  
Attorney Docket No. 633-107US :

This is a decision on the renewed petition, filed May 12, 2010, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the nonfinal Office action mailed March 13, 2009, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on February 17, 2010.

Petitioner asserts that the Office action dated March 13, 2009, was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received;

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 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.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to Technology Center AU 2179 for appropriate action by the Examiner in the normal course of business on the previously filed amendment of November 6, 2009.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions  
571-272-3208

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**Paper No.: X**

**DATE : June 09, 2008**

**TO SPE OF : ART UNIT 2876**

**SUBJECT : Request for Certificate of Correction for Appl. No.: 11/526196 Patent No.: 7303119 B2**

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

**If the response is for an IFW, within 7 days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code COCX.**

**DO NOT SENT TO ATTORNEY**

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within 7 days, to:

**Certificates of Correction Branch (CofC)  
South Tower - 9A22  
Palm Location 7580**

**You can fax the Directors/SPE response to 571-270-9990**

***LAMONTE NEWSOME*  
Certificates of Correction Branch  
703-308-9390 ext. 112**

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

**Approved**

All changes apply.

**Approved in Part**

Specify below which changes do not apply.

**Denied**

State the reasons for denial below.

**Comments: The request for Certificate of Correction filed 4/22/08 is to correct the typographical errors, which does not involve new matter or require reexamination.**

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_/Steven S. Paik/\_\_\_\_\_ 2887\_\_\_\_\_

**SPE**

**Art Unit**

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

Paper No.: X

DATE : June 09, 2008

TO SPE OF : ART UNIT 2876

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/526196 Patent No.: 7303119 B2

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

~~If the response is for an IFW, within 7 days, please complete and forward the response to the employee (named below) via scanning into application images, using document code COCX.~~

**DO NOT SENT TO ATTORNEY**

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within 7 days, to:

**Certificates of Correction Branch (CofC)  
South Tower - 9A22  
Palm Location 7580**

~~Contact the Director, SPE~~

***LAMONTE NEWSOME***  
Certificates of Correction Branch  
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

**Approved**

All changes apply.

**Approved in Part**

Specify below which changes **do not** apply.

**Denied**

State the reasons for denial below.

**Comments:** The request for Certificate of Correction filed 4/22/08 is to correct the typographical errors, which does not involve new matter or require reexamination.

\_\_\_\_\_

\_\_\_\_\_ /Steven S. Paik/ \_\_\_\_\_ 2887 \_\_\_\_\_

**SPE**

**Art Unit**



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**DARDI & ASSOCIATES, PLLC**  
220 S. 6TH STREET., SUITE 2000,  
MINNEAPOLIS, MN 55402

**MAILED**

**JUL 20 2009**

**OFFICE OF PETITIONS**

In re Application of

**Donald A. KLEINSEK, et al.**

Application No. 11/526,202

Filed: September 21, 2006

Attorney Docket No. **3282.02US02**

DECISION ON PETITION TO  
WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 1, 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 Curtis B. Herbert 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 assignee of the entire interest 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: **DASK TECHNOLOGIES, LLC**  
**5582 BANTRY LANE**  
**FITCHBURG, WI 53711**



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**FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007**

**COPY MAILED  
DEC 03 2009  
OFFICE OF PETITIONS**

In re Application of :  
**RICHTER, Gerolf et al.** :  
Application No. 11/526,216 : **DECISION ON PETITION**  
Filed: September 22, 2006 : **TO WITHDRAW**  
Attorney Docket No. JCI-479 : **FROM RECORD**  
:

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 15, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Foley and Lardner LLP has been revoked by the assignee of the patent application on October 28, 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 Michelle R. Eason at 571-272- 4231.

  
Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

cc: **LATHROP & CLARK LLP  
740 REGENT STREET SUITE 400  
P.O. BOX 1507  
MADISON WI 53701-1507**



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SUN MICROSYSTEMS INC.  
C/O PARK, VAUGHAN & FLEMING LLP  
2820 FIFTH STREET  
DAVIS CA 95618-7759

**COPY MAILED**

**JAN 03 2007**

**OFFICE OF PETITIONS**

In re Application of	:	
Forrest, et al.	:	ON PETITION
Application No.: 11/526,219	:	
Filed: September 22, 2006	:	
Attorney Docket No.: SUN06-0796	:	

This is a decision on the petition under 37 CFR 1.47(a), filed November 24, 2006 (certificate of mailing date November 22, 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 September 22, 2006. On October 12, 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 for their late filing. On November 24, 2006 (certificate of mailing date November 22, 2006), petitioner filed, *inter alia*, a petition under 37 CFR 1.47(a) and a declaration signed by one of two joint inventors.

A statement of facts by Attorney A. Richard Park accompanies the petition. Mr. Park states that a combined declaration and power of attorney was successfully mailed to non-signing inventor Craig S. Forrest for his signature and that Mr. Forrest did not return an executed declaration.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,

- (2) a proper oath or Declaration executed by the available joint inventor(s),
- (3) the petition fee of \$200, and
- (4) the last known address of the omitted inventor(s).

This petition lacks item (1) above.

As to item (1), applicant has failed to establish that the inventor 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 mailed to Mr. Forrest's last known address.

Mr. Forrest must have the complete application in his possession in order to make an informed decision as to whether he joins in its filing. When petitioner can show that Mr. Forrest was mailed or received the complete application and that he either refused to sign the declaration or would not respond to the request that he sign the declaration within a reasonable amount of time, petitioner will have satisfied this requirement.

Any statement of facts must be signed by a person having *firsthand knowledge* of the facts recited therein. Statements based on hearsay will not normally be accepted. MPEPE 409.03(d)

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



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SUN MICROSYSTEMS INC.  
C/O PARK, VAUGHAN & FLEMING LLP  
2820 FIFTH STREET  
DAVIS CA 95618-7759

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**FEB 22 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Forrest, et al. : **ON PETITION**  
Application No.: 11/526,219 :  
Filed: September 22, 2006 :  
Attorney Docket No.: SUN06-0796 :

Papers filed on January 22, 2007 (certificate of mailing date January 18, 2007) in reply to "Decision Refusing Status Under 37 CFR 1.47(a)" mailed on January 3, 2007, included a Declaration signed by the previously non-signing inventor, Craig S. Forrest, in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is moot; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

After the mailing of this decision, the application will be forwarded to Technology Center 2627 for examination in due course.

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

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KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

Mail Date: 05/25/2010

**Applicant** : R. Russell Stever : DECISION ON REQUEST FOR  
**Patent Number** : 7638065 : RECALCULATION of PATENT  
**Issue Date** : 12/29/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/526,220 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/22/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **521** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



CARTER, DELUCA, FARRELL & SCHMIDT, LLP  
445 BROAD HOLLOW ROAD  
SUITE 420  
MELVILLE NY 11747

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JUL 01 2010

OFFICE OF PETITIONS

In re Application of :  
George Miz et al. :  
Application No. 11/526,239 : DECISION ON PETITION  
Filed: September 26, 2006 :  
Attorney Docket No. 1449-199 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 4, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 5, 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). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is January 6, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner

must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

This application is being referred to Technology Center AU 3733 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

A handwritten signature in black ink, appearing to read 'JoAnne Burke', with a stylized, cursive script.

JoAnne Burke  
Petitions Examiner  
Office of Petitions



STEVEN W. WEBB  
655 2ND STREET  
ENCINITAS, CA 92024

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JUN 04 2008

**OFFICE OF PETITIONS**

In re Application of	:	
Peter McConnell	:	
Application No. 11/526,284	:	ON PETITION
Filed: September 25, 2006	:	
Attorney Docket No. N/A	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on January 10, 2008 and supplemented on April 22, 2008 and May 5, 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 June 27, 2007.

It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts.

As authorized, \$1,020 has been charged to petitioner's credit card.

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**.

This application file is being referred to the Office of Data Management for further processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

  
 Andrea Smith  
 Petitions Examiner  
 Office of Petitions



FISH & RICHARDSON, PC  
P.O. BOX 1022  
MINNEAPOLIS, MN 55440-1022

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MAR 25 2008

**OFFICE OF PETITIONS**

In re Application of

**AULT-RICHE**, Dana et al.

Application No. 11/526,287

Filed: September 22, 2006

Attorney Docket No. 17102-005002 / 1754B

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 05, 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 C. Phillips 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 Dana Ault Riche 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: **DANA AULT RICHE et al.**  
**2541 LEGHORN STREET**  
**SUITE 4**  
**MOUNTAIN VIEW, CA 94043**



**FISH & RICHARDSON, PC**  
**P.O. BOX 1022**  
**MINNEAPOLIS, MN 55440-1022**

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**MAY 27 2008**

In re Application of  
**AULT-RICHE, Dana et al.**  
Application No. 11/526,287  
Filed: September 22, 2006  
Attorney Docket No. **17102-005002 / 1754B**

:  
:  
: **DECISION ON PETITION**  
:  
: **TO WITHDRAW**  
:  
: **FROM RECORD**  
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.136(b), filed April 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 C. Phillips 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 Dana Ault Riche 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: **DANA AULT RICHE ET AL.**  
**201 SANSOME ST., #702**  
**SAN FRANCISCO, CA 94104**



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1650 MARKET STREET, SUITE 4900  
ONE LIBERTY PLACE  
PHILADELPHIA, PA 19103

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FEB 07 2008

**OFFICE OF PETITIONS**

In re Application of	:	
<b>GIRSH, Leonard S.</b>	:	
Application No. 11/526,304	:	DECISION ON PETITION
Filed: September 25, 2006	:	TO WITHDRAW
Attorney Docket No. GIR-104C5D2T	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 15, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to **IP GROUP OF DLA PIPER US, LLP** has been revoked by the assignee 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 the undersigned at (571) 272-7253.

  
 Monica A. Graves  
 Petitions Examiner  
 Office of Petitions

cc: **SALIWANCIK LLOYD & SALIWANCIK  
A PROFESSIONAL ASSOCIATION  
P.O. BOX 142950  
GAINESVILLE, FL 32614-2950**



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OFFICE OF PETITIONS

SALIWANCHIK LLOYD & SALIWANCHIK  
A PROFESSIONAL ASSOCIATION  
PO Box 142950  
GAINESVILLE FL 32614

In re Patent No. 7,622,144 : DECISION ON REQUEST  
Leonard S. Girsh : FOR  
Issue Date: November 24, 2009 : RECONSIDERATION OF  
Application No. 11/526,304 : PATENT TERM ADJUSTMENT  
Filed: September 25, 2006 : and  
Atty Docket No. **GIR.104C5D2T** : NOTICE OF INTENT TO ISSUE  
: 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 three hundred sixty-two (362) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by three hundred sixty-two days is **GRANTED**.

The Office acknowledges receipt of \$200.00 for the fee set forth in 37 CFR 1.18(e). No additional fees are required.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentee is given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The 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 **three hundred sixty-two (362) days**.

Telephone inquiries specific to this matter should be directed to the undersigned, at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

**DRAFT COPY**

UNITED STATES PATENT AND TRADEMARK OFFICE

**CERTIFICATE OF CORRECTION**

PATENT : 7,622,144 B2

DATED : Nov. 24, 2009

INVENTOR(S) : Girsh

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 (302) days

Delete the phrase "by 302 days" and insert – by 362 days--



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SCHNEGMAN, LUNDBERG & WOESSNER, PA  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402

Applicant: Gu  
Appl. No.: 11/526,310  
Filing Date: September 25, 2006  
Title: DISTRIBUTED PARALLEL BUILD SYSTEM  
Attorney Docket No.: 2043.319USI  
Pub. No.: 2007/0234320 A1  
Pub. Date: October 4, 2007

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This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on December 10, 2007, for the above-identified application.

The request is granted-in-part.

Applicant requests that the application be republished because the patent application publication contains material errors, wherein:

- 1) There is an error in the benefit claim in the specification,
- 2) Claim 16 "requestor" is misspelled as "requester" and
- 3) Claim 18, the text is missing.

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.<sup>1</sup>

The request for republication of the application with respect to the errors labeled 2 and 3 above is GRANTED. The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

The error noted by requestor with respect to the benefit claim is not an Office error, as the text "70/744,039" appears in the application as filed. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification

<sup>1</sup>Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

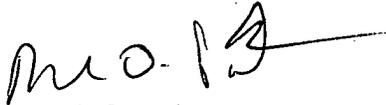
in the publication by the Office because patent application publications are not required to include preliminary amendments, according to 37 CFR 1.215(a).

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark O. Polutta at (703) 272-7709.



Mark O. Polutta  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy



PHILIP S. JOHNSON  
JOHNSON & JOHNSON  
ONE JOHNSON & JOHNSON PLAZA  
NEW BRUNSWICK, NJ 08933-7003

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**JUN 19 2007**  
**OFFICE OF PETITIONS**

In re Application of	:	
Tokarski et al.	:	
Application No. 11/526,313	:	Decision According Status
Filed: September 25, 2006	:	Under 37 CFR 1.47(a)
Attorney Docket No. VTN-5103USNP	:	
For: Ophthalmic Lens Package With A	:	
Frangible Pouch And Methods Of	:	
Its Use	:	

This is a decision on the petition under 37 CFR 1.47(a), filed January 16, 2007.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The petition fee of \$130 was charged to petitioner's deposit account on January 17, 2007. However, the fee for a petition under 37 CFR 1.47 is \$200. Therefore, an additional \$70 has been charged to petitioner's deposit account.

The Office of Initial Patent Examination will be informed of the instant decision so that it may continue to prepare the application for examination.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions



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2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

Mail Date: 05/25/2010

**Applicant** : Chii-Fa Chiou : DECISION ON REQUEST FOR  
**Patent Number** : 7646152 : RECALCULATION of PATENT  
**Issue Date** : 01/12/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/526,324 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/25/2006 : 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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**FEB 22 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Michael Tokarski, James Peck, Edward : DECISION REFUSING  
Dzwill, George Brock, James R. Davis : STATUS UNDER § 1.47(a)  
Application No. 11/526,330 :  
Filing Date: September 25, 2006 :  
Attorney Docket No. VTN-5102USNP :

This is in response to the petition under 37 CFR 1.47(a), filed January 15, 2007.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventors. **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(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 failed to submit 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:            (703) 872-9306  
                      Attn: Office of Petitions

Telephone inquiries concerning this decision may be directed to the undersigned at (571)272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions



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**FEB 06 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Michael Tokarski, James Peck, :  
Edward Dzwili, George Brock, James : DECISION ACCORDING STATUS  
R. Davis : UNDER 37 CFR 1.47(a)  
Application No. 11/526,330 :  
Filed: September 25, 2006 :  
Attorney Docket No. 153.002 :

This is in response to the renewed petition under 37 CFR 1.47(a), filed April 23, 2007.

The petition under 37 CFR 1.47(a) is **GRANTED**.

On petition, petitioner has stated that a copy of the application papers was forwarded to the last known address of inventor Peck on September 21, 2006. However, as of the date of the petition, no executed declaration has been received.

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 \$200 petition fee has been charged to Deposit Account No. 10-0750, as authorized.

The application is being forwarded to the Office of Patent Application Processing for pre-examination.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read "Cliff Congo". The signature is written in a cursive, somewhat stylized font.

Cliff Congo  
Petitions Attorney  
Office of Petitions



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JAMES M PECK  
217 WEST EAGLE DR  
MAPLE GROVE MN 55369

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**FEB 06 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Tokarski, et al. :  
Application No. 11/526,330 :  
Filed: September 25, 2006 :  
Title: Ophthalmic Lens Package with a : LETTER  
Deformable Bottom and Methods of its :  
Use :

Dear Mr. Peck:

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



PHILIP S JOHNSON  
JOHNSON & JOHNSON  
ONE JOHNSON & JOHNSON PLAZA  
NEW BRUNSWICK NJ 08933-7003

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FEB 06 2009

**OFFICE OF PETITIONS**

In re Application of :  
Michael Tokarski, James Peck, Edward : DECISION GRANTING  
Dzwill, George Brock, James R. Davis : PETITION UNDER  
Application No. 11/526,330 : 37 CFR 1.181  
Filing Date: September 25, 2006 :  
Attorney Docket No. VTN-5102USNP :

This is in response to the petition under 37 CFR 1.181, filed July 24, 2008.

The petition under 37 CFR 1.181 is GRANTED.

The instant application was held abandoned for failure to timely reply to a decision on petition mailed February 22, 2007. This decision set an extendable period for reply of two (2) months. The Office mailed a Notice of Abandonment on May 29, 2008, stating that no reply to the decision had been received.

A review of the application reveals the presence of a "Response to Decision on Petition" filed on April 23, 2007. The response was made timely because April 22, 2007 fell on a Sunday.  
See 37 CFR 1.7(a).

In view of the above, the holding of abandonment is WITHDRAWN.

The application is being forwarded to the Office of Petitions for consideration of the "Response to Decision on Petition" filed April 23, 2007.

Telephone inquiries concerning this decision may be directed to the undersigned at (571)272-3207.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo  
Petitions Attorney  
Office of Petitions



GANZ LAW, P.C.  
P O BOX 2200  
HILLSBORO, OR 97123

**COPY MAILED**  
**DEC 03 2008**

In re Application of	:	
Robert Michael Patterson	:	
Application No. 11/526,346	:	DECISION ON PETITION
Filed: September 25, 2006	:	TO WITHDRAW
Attorney Docket No. PAT-2001.US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 10, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Bradley M. Ganz on behalf of all attorneys of record who are associated with customer No. 22874.

All attorneys/agents associated with the Customer Number 22874 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

cc: MICHAEL PATTERSON  
2907 SHELTER ISLAND DRIVE  
SAN DIEGO, CA 91768



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/526,346	09/25/2006	Robert Michael Patterson	PAT-2001.US

**CONFIRMATION NO. 3505**

**POWER OF ATTORNEY NOTICE**



Date Mailed: 11/26/2008

22874  
GANZ LAW, P.C.  
P O BOX 2200  
HILLSBORO, OR 97123

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 10/10/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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ILLINOIS TOOL WORKS INC.  
3600 WEST LAKE AVENUE  
PATENT DEPARTMENT  
GLENVIEW, IL 60025

Mail Date: 04/27/2010

**Applicant** : Martin Henry David Clarke : DECISION ON REQUEST FOR  
**Patent Number** : 7631467 : RECALCULATION of PATENT  
**Issue Date** : 12/15/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/526,371 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/25/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **517** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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Alexandria, Virginia 22313-1450  
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CONLEY ROSE, P.C.  
5601 GRANITE PARKWAY, SUITE 750  
PLANO, TX 75024

Mail Date: 04/21/2010

<b>Applicant</b>	: Weiping Xie	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7599389	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/526,389	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/25/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **506** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.  
4800 IDS CENTER  
80 SOUTH 8<sup>TH</sup> STREET  
MINNEAPOLIS, MN 55402-2100

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JAN 08 2009

Applicant: Hoeber  
Appl. No.: 11/526,409  
Filing Date: September 25, 2006  
Title: METHOD AND APPARATUS FOR CONCEPT-BASED VISUAL  
Attorney Docket No.: 1993.75USO1  
Pub. No.: US 2007/0282809 A1  
Pub. Date: December 6, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 3, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in claim 11.

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.<sup>1</sup>

The request for corrected publication, received on March 3, 2008, was not timely filed under 37 CFR 1.221(b), since the request was filed later than 2 months from the December 6, 2007 publication date.

Moreover, the error noted by requestor in the specification is not a material Office error under 37 CFR 1.221. A member of the public will be able to understand the context by the surrounding information in the specification; e.g., through reference to paragraph 0116.

Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging

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<sup>1</sup>Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

Applicants are advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221(a). Such a request for republication “must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i).” If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a) must be submitted via the EFS system as a “Pre-Grant Publication” and any questions or request for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Michael Cygan, Legal Advisor, 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



DICKINSON WRIGHT PLLC  
1901 L. STREET NW  
SUITE 800  
WASHINGTON, DC 20036

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**NOV 07 2006**

**OFFICE OF PETITIONS**

In re Application of  
Richard B. Platt  
Application No. 11/526,425  
Filed: September 25, 2006  
Attorney Docket No. 20057-0004

**DECISION GRANTING PETITION**

This is a decision on the petition, filed October 20, 2006, requesting that the above-identified application be accorded a filing date of September 25, 2006, instead of the presently accorded date of September 26, 2006. The petition is being treated under 37 CFR 1.10(d).

Petitioner maintains that the application was deposited in Express Mail service with the U. S. Postal Service (USPS) on September 25, 2006. However, the USPS incorrectly entered the "date-in" as September 26, 2006. In support, petitioner provides, a copy of the Express Mail label, receipt No. EV 840 357 733 US and a copy of the sales receipt from the USPS. It is noted that petitioner suggests that a print-out from the USPS' website indicating acceptance of the package in question on September 25, 2006 is also included, but no such print-out was found.

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. Any statement submitted in support of such a showing pursuant to this paragraph

must be a verified statement if made by a person other than an employee of the USPS or a practitioner as defined in ' 10.1(r) of this chapter.

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 pickup for that day." In addition, the showing "must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS."

Preliminarily, it is concluded that the petition was filed promptly within the meaning of §1.10(d)(1). The evidence of record further shows that the number of the "Express Mail" mailing label, EV 840 357 733 US, is on the correspondence of record presently accorded a filing date of September 26, 2006, and thus, was placed on the correspondence prior to the original mailing.

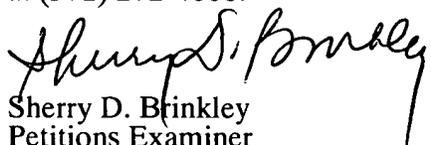
Finally, a search of the USPS Track & Confirm records confirm that the package bearing Express Mail label No. EV 840 357 733 US was accepted by the Bloomfield Hills, MI 48303 USPS on September 25, 2006 at 4:54. (copy attached). Accordingly, the record establishes that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day.

Having considered the evidence, it is concluded that the "date-in" on the "Express Mail" mailing label was incorrectly entered by the USPS, and that the requested filing date, September 25, 2006, is the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup of the day. The proper date to be accorded this application is September 25, 2006, not September 26, 2006.

The petition is **GRANTED**.

The application is being referred to Initial Patent Examination Division (OIPE) to correct the filing date to **September 25, 2006** and to issue a corrected filing receipt.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

Attachment: USPS Track Confirm record

## Track & Confirm

### Search Results

Label/Receipt Number: **EV84 0357 733U S**

Detailed Results:

- **Delivered, September 26, 2006, 9:22 am, ALEXANDRIA, VA 22313**
- **Arrival at Unit, September 26, 2006, 8:16 am, DULLES, VA 20102**
- **Enroute, September 25, 2006, 8:34 pm, DETROIT, MI 48242**
- **Acceptance, September 25, 2006, 4:54 pm, BLOOMFIELD HILLS, MI 48303**

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### Track & Confirm

Enter Label/Receipt Number.

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### Notification Options

#### Track & Confirm by email

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Verify who signed for your item by email, fax, or mail.

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19900 MACARTHUR BLVD.  
SUITE 1150  
IRVINE, CA 92612

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**DEC 23 2008**

**OFFICE OF PETITIONS**

In re Application of :  
E. Jesper Eklund, et al. :  
Application No. 11/526,436 :  
Filed: September 25, 2006 :  
Attorney Docket No. UC1.PAU.78 :  
: **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 2, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Myers, Dawes Andras & Sherman, LLP has been revoked by the assignee of the patent application on November 24, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 1642.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

cc: LAW OFFICES OF DANIEL L. DAWES  
5200 WARNER BLVD.  
SUITE 106  
HUNTINGTON, BEACH, CA 92649



David L. Fox  
Fulbright & Jaworski L.L.P.  
Fulbright Tower  
Suite 5100  
1301 McKinney  
Houston, TX 77010-3095

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**MAR 30 2007**

**OFFICE OF PETITIONS**

In re Application of :  
G. Forsberg et al :  
Application No. 11/526,437 : DECISION GRANTING PETITION  
Filed: September 25, 2006 :  
Attorney Docket No. HO-P02188US1 :

This is a decision on the petition under 37 CFR 1.53(e) filed March 9, 2007, requesting that the application, without drawings, be accorded a filing date of September 25, 2006.

On September 25, 2006, the application was deposited.

On October 18, 2006, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application was deposited without drawings and that the filing date of the application would be the date of receipt of the omitted drawings.

In response, on March 9, 2007, inter alia, the present petition under 37 CFR 1.53(e), an authorization to charge counsel's deposit account for the petition fee, a preliminary amendment including a substitute specification, a declaration, a Request For A Corrected Filing Receipt indicating an application filing date of September 25, 2006, and a paper entitled "Request, And If Necessary, Petition(s) Under Rule 183, And/Or Rule 136 And/Or Rule 53(E) ..." were filed. Petitioners stated that while the application as filed lacked drawings, the specification, as filed, contains sufficient support to be accorded a filing date and that drawings are not necessary under 35 USC §113, first sentence. Petitioners argue that the application, as filed, included method claims, MPEP 601.01(f) states that drawings are not required in an application having at least one method claim. Further, the preliminary amendment filed March 9, 2007, deletes the references to drawings. Petitioners request that the application be accorded a filing date of September 25, 2006.

A review of the record reveals, as petitioners admit, that the application papers deposited September 25, 2006, did not include drawings. Since the application, as filed, referred to Figures 1-10, the application was prima facie incomplete in the absence of Figures 1-10.

35 USC 113, first sentence states, "The applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented." The claims in the application, as

filed, are all method and composition claims. It has long been the practice of the Office to accept a process and a composition case (that is, a case having only process, method and composition claims) which is filed without a drawing and accord that application a filing date if no drawings are referred to in the specification (MPEP 601.01(f)). Accordingly, on petition, the application may be accorded a filing date of September 25, 2006, since the applicants are willing to accept this application, as filed, without drawings for purposes of an original disclosure and filing date. The petition fee will not be refunded since the present petition and petition fee were necessary in view of applicants' filing error.

In view of the above, the petition to accord the application, as filed, without drawings a filing date of September 25, 2006 is granted.

In view of the above, the petitions under 37 CFR 1.183, 1.136 are dismissed as moot.

The Notice mailed October 18, 2006, is hereby vacated.

A review of the second preliminary amendment to the specification and the substitute specification filed March 9, 2007, reveals that it is not in compliance with 37 CFR 1.125 as no marked-up copy of the specification was filed. Further, the second preliminary amendment contains no direction as to what to do with the substitute specification. A preliminary amendment in compliance with 37 CFR 1.125 is required. Applicants are given **ONE (1) MONTH** from the date of this decision to file the preliminary amendment required above in order to **avoid abandonment of the application**. This time period may be extended pursuant to 37 CFR 1.136(a). The response should be directed to OIPE.

The requisite \$400.00 petition fee has been charged to counsel's deposit account No. 06-2375.

Jurisdiction over the application is being returned to OIPE for further processing with a filing date of September 25, 2006, and an indication in the image file wrapper that no drawings were present on filing.

Telephone inquiries related to this decision only should be directed to the undersigned at 571-272-7719.

Inquiries regarding petition status or general petition information are handled by the Office of Petitions Staff at 571-272-3282.



Fred A. Silverberg  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy



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OSHA LIANG L.L.P.  
TWO HOUSTON CENTER  
909 FANNIN, SUITE 3500  
HOUSTON, TX 77010

Mail Date: 04/20/2010

<b>Applicant</b>	: Goran Forsberg	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7615225	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/526,437	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/25/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **460** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



E I DU PONT DE NEMOURS AND COMPANY  
LEGAL PATENT RECORDS CENTER  
BARLEY MILL PLAZA 25/1122B  
4417 LANCASTER PIKE  
WILMINGTON, DE 19805

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**JUN 04 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
Jozef Theresia Huybrechts et al :  
Application No. 11/526,467 :  
Filed: September 25, 2006 :  
Attorney Docket No. FA1426 USNA :

ON PETITION

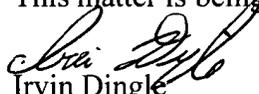
This is a decision on the petition under 37 CFR 1.137(b), filed April 16, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed October 9, 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 November 10, 2009.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1715 for further processing.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



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MICHAEL, BEST & FRIEDRICH LLP  
100 EAST WISCONSIN AVENUE  
SUITE 3300  
MILWAUKEE, WI 53202

Mail Date: 04/21/2010

<b>Applicant</b>	: Paul D. Stephens	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7627929	: RECALCULATION of PATENT
<b>Issue Date</b>	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
<b>Appliction No</b>	: 11/526,472	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/25/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **100** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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Christopher & Weisberg, P.A.  
200 East Las Olas Boulevard  
Suite 2040  
Fort Lauderdale, FL 33301

Mail Date: 04/21/2010

<b>Applicant</b>	: Marwan Abboud	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7625369	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/526,494	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/25/2006	: 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.



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JOHN S. BEULICK (17851)  
ARMSTRONG TEASDALE LLP  
ONE METROPOLITAN SQUARE, SUITE 2600  
ST. LOUIS, MO 63102-2740

Mail Date: 05/24/2010

Applicant : John Greene : DECISION ON REQUEST FOR  
Patent Number : 7625170 : RECALCULATION of PATENT  
Issue Date : 12/01/2009 : TERM ADJUSTMENT IN VIEW  
Application No : 11/526,501 : OF WYETH AND NOTICE OF INTENT TO  
Filed : 09/25/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **353** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



DINSMORE & SHOHL, LLP  
1900 CHEMED CENTER  
255 EAST FIFTH STREET  
CINCINNATI OH 45202

**COPY MAILED**  
NOV 09 2006  
OFFICE OF PETITIONS

In re Application of :  
Johan Smets :  
Application No. 11/526,505 : **ON PETITION**  
Filed: 09/25/2006 :  
Attorney Docket No. 9116-823 10158M& :

This is a decision on the petition under 37 CFR 1.10, filed November 3, 2006, requesting that the above-identified application be accorded a filing date of September 25, 2006, rather than the presently accorded filing date of September 26, 2006.

Petitioner alleges that the application was deposited in Express Mail service on September 25, 2006. In support of the allegation, a copy of Express Mail label No. EV 832370083 US accompanies the petition. The "date-in" indicated on the Express Mail label is September 25, 2006. The same Express Mail label number was placed on the original application papers located in the official file.

Accordingly, the petition is **granted**.

**The Office of Initial Patent Examination is directed to correct the filing date of the above-identified application to September 25, 2006, and to mail a corrected filing receipt.**

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3211.

*C. T. Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions



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Sadler, Breen, Morasch & Colby, ps  
422 W. Riverside Ave, Suite 424  
Spokane, WA 99201

Mail Date: 04/27/2010

<b>Applicant</b>	: Andre Lister	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7653529	: RECALCULATION of PATENT
<b>Issue Date</b>	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/526,506	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/25/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **509** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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Brooks, Cameron & Huebsch, PLLC  
1221 Nicollet Avenue, Suite 500  
Minneapolis, MN 55403

COPY MAILED  
AUG 29 2008

In re Application of	:	
David J. Schwartz	:	
Application No. 11/526,543	:	DECISION ON PETITION
Filed: September 25, 2006	:	TO WITHDRAW
Attorney Docket No. 760.0020001	:	FROM RECORD
	:	

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 **APPROVED**.

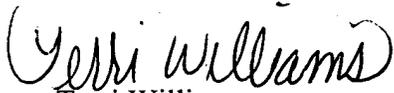
A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between 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 Edward J. Brooks, III 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 571-272-29914.



Terri Williams  
Petitions Examiner  
Office of Petitions

cc: **David J. Schwartz**  
**19315 SW Chesapeake Drive**  
**Tualatin, OR 97062**

cc: **Christopher R. Ambrose**  
**Ambrose Law Group LLC, Bend Office**  
**805 SW Industrial Way, Ste. 201**  
**Bend, OR 97702**



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/526,543	09/25/2006	David J. Schwartz	760.0020001

38356  
BROOKS, CAMERON & HUEBSCH, PLLC  
1221 NICOLLET AVENUE, SUITE 500  
MINNEAPOLIS, MN 55403

**CONFIRMATION NO. 3493**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 08/28/2008

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 05/06/2008.

- 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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**STOEL RIVES LLP – SLC  
201 SOUTH MAIN STREET, SUITE 1100  
ONE UTAH CENTER  
SALT LAKE CITY UT 84111**

**MAILED**

SEP 10 2009

OFFICE OF PETITIONS

In re Application of	:	
Beckstead et al.	:	DECISION ON PETITION
Application No. 11/526,553	:	TO WITHDRAW
Filed: September 25, 2006	:	FROM RECORD
Attorney Docket No. 63504/3	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed July 29, 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).

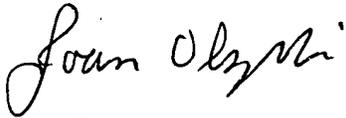
The request was signed by Matthew D. Thayne on behalf of all attorneys of record who are associated with Customer No. 32642.

All attorneys/agents associated with Customer Number 32642 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, a Notice of Allowance was mailed September 1, 2009 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A handwritten signature in black ink, appearing to read "Joan Olszewski". The signature is written in a cursive style with a large initial "J".

Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc: BeckTech LLC  
3709 South 500 West  
Salt Lake City, UT 84115



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KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

Mail Date: 04/20/2010

**Applicant** : Harry T. O'Hagin : DECISION ON REQUEST FOR  
**Patent Number** : 7607266 : RECALCULATION of PATENT  
**Issue Date** : 10/27/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/526,557 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/25/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **249** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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Huawei Technologies Co., Ltd.  
c/o LEASON ELLIS  
81 Main Street, Suite 503  
White Plains, NY 10601

Mail Date: 04/30/2010

<b>Applicant</b>	: Suping Zhai	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7664044	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/526,567	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/26/2006	: 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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YOUNG & THOMPSON  
209 Madison Street  
Suite 500  
Alexandria, VA 22314

Mail Date: 04/20/2010

**Applicant** : Satoshi Hachiya : DECISION ON REQUEST FOR  
**Patent Number** : 7601763 : RECALCULATION of PATENT  
**Issue Date** : 10/13/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/526,575 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/26/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **536** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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BANNER & WITCOFF, LTD.  
ATTORNEYS FOR CLIENT NO. 016689  
1100 13th STREET, N.W.  
SUITE 1200  
WASHINGTON, DC 20005-4051

Mail Date: 04/21/2010

<b>Applicant</b>	: Akihiro Yamada	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7626738	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/526,590	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/26/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **379** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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BANNER & WITCOFF, LTD.  
ATTORNEYS FOR CLIENT NO. 016689  
1100 13th STREET, N.W.  
SUITE 1200  
WASHINGTON, DC 20005-4051

Mail Date: 04/21/2010

Applicant : Naoya Kamimura : DECISION ON REQUEST FOR  
Patent Number : 7596327 : RECALCULATION of PATENT  
Issue Date : 09/29/2009 : TERM ADJUSTMENT IN VIEW  
Application No : 11/526,599 : OF WYETH AND NOTICE OF INTENT TO  
Filed : 09/26/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **62** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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BANNER & WITCOFF, LTD.  
ATTORNEYS FOR CLIENT NO. 016689  
1100 13th STREET, N.W.  
SUITE 1200  
WASHINGTON, DC 20005-4051

Mail Date: 04/21/2010

Applicant : Naoya Kamimura : DECISION ON REQUEST FOR  
Patent Number : 7613414 : RECALCULATION of PATENT  
Issue Date : 11/03/2009 : TERM ADJUSTMENT IN VIEW  
Application No : 11/526,601 : OF WYETH AND NOTICE OF INTENT TO  
Filed : 09/26/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **455** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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**MUNCY, GEISSLER, OLDS & LOWE, PLLC**  
**P.O. Box 1364**  
**Fairfax, VA 22038-1364**

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**SEP 30 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Hans-Michael Schmitt, et al. :  
Application No. 11/526,606 : **DECISION ON PETITION**  
Filed: September 26, 2006 : **TO WITHDRAW**  
Attorney Docket No. 1005/0121PUS1 : **FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 3, 2009.

The request is **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 Martin R. Geissler 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 t at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed April 20, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.



Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **Hans-Michael Schmitt**  
**Nikolaus-Molitor-Strasse 5**  
**Muennerstadt, D-97702**  
**Germany**

cc: **Preh GmbH**  
**An der Stadthalle**  
**Bad Neustadt, D-97616**  
**Germany**



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/526,606	09/26/2006	Hans-Michael Schmitt	1005/0121PUS1

**CONFIRMATION NO. 3344**

**POWER OF ATTORNEY NOTICE**

60601  
Muncy, Geissler, Olds & Lowe, PLLC  
P.O. BOX 1364  
FAIRFAX, VA 22038-1364



Date Mailed: 09/28/2009

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 09/03/2009.

- 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.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON, VA 22209-3873

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**DEC 21 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Hiroyuki Mizuno, et al. :  
Application No.: 11/526,612 :  
Filed: September 26, 2006 :  
Attorney Docket No.: 500.35846CC4 :

**ON PETITION**

This is a decision in response to the petition, filed December 20, 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 16, 2007, in the above-identified application, cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.*<sup>1</sup>

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2819 for further processing of the request for continued examination under 37 CFR 1.114, including consideration of the request for correction of inventorship under 37 CFR 1.48.

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B - Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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ROSENBERG, KLEIN & LEE  
3458 ELLICOTT CENTER DRIVE-SUITE 101  
ELLICOTT CITY, MD 21043

Mail Date: 05/17/2010

**Applicant** : Chao-Hsuan Chuang : DECISION ON REQUEST FOR  
**Patent Number** : 7619396 : RECALCULATION of PATENT  
**Issue Date** : 11/17/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/526,624 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/26/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **42** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

Mail Date: 05/18/2010

**Applicant** : Satoru Watanabe : DECISION ON REQUEST FOR  
**Patent Number** : 7620491 : RECALCULATION of PATENT  
**Issue Date** : 11/17/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/526,629 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/26/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **517** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT PC  
1940 DUKE STREET  
ALEXANDRIA VA 22314

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**APR 09 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Morikawa, et al. :  
Application No. 11/526,630 : DECISION ON PETITION  
Filed: September 26, 2006 :  
Attorney Docket No. 296959US2 :

This is a decision on the petition under 37 CFR 1.53(e)(2), filed December 13, 2006, which is being treated as a request that the "Notice to File Missing Parts of Nonprovisional Application" mailed October 13, 2006 be withdrawn.

The petition is **DISMISSED**.

The application was filed on September 26, 2006. However, on October 13, 2006, the Initial Patent Examination Division mailed a "Notice to File Missing Parts of Nonprovisional Application". The Notice informed applicant that the application had been accorded a filing date. However, the oath or declaration was missing. In addition, Figures 2 as described in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioner explains that Figure 2 was not missing on September 26, 2006. Instead, the drawing was contained on the first drawing sheet containing Figure 1, but was not labeled.

It is obvious from the petition that no drawings were actually missing on September 26, 2006. Rather, the drawing sheet containing Figure 2 was simply mislabeled as a result of

applicant's filing error. However, the "Notice to File Missing Parts of Nonprovisional Application" mailed September 26, 2006 was correct in stating that Figure 2 described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

Since the present petition was not necessitated by any error on the part of the Office, the \$400 petition fee will not be refunded.

Receipt of the declaration and ADS, filed January 16, 2007, is acknowledged.

The application is being returned to the Office of Initial Patent Examination for processing with a filing date of September 26, 2006, using the 8 sheets of drawings filed on that date and the corrected drawings filed on December 13, 2006 to correct the error in labeling of Figure 2.

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions



FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON DC 20007

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**DEC 28 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Kato, et al. :  
Application No. 11/526,632 : DECISION ON PETITION  
Filed: September 26, 2006 :  
Attorney Docket No. 034536-1150 :

This is a decision on the petition under 37 CFR 1.182, filed October 26, 2006, requesting, in effect, that the above-identified application be accorded a filing date of September 26, 2006, with Figure 34 of the drawings as part of the original disclosure.

The petition is **DISMISSED**.

The application was filed on September 26, 2006. However, on October 13, 2006, the Office mailed a Notice to File Corrected Application Papers, stating that the application had been accorded a filing date of September 26, 2006; however, Figure 34 of the drawings appeared to have been omitted. In response, applicants filed the present petition.

Pages not present on the filing date cannot be considered a part of the original disclosure of the application. As Figure 34 of the drawings was not present in the Office on September 26, 2006, the application can not be accorded the September 26, 2006 filing date with Figure 34 of the drawings as a part of the original disclosure.

Accordingly, the Notice mailed on October 13, 2006 **was** correct in stating that Figure 34 of the drawings appeared to have been omitted from the application papers filed on September 26, 2006. Therefore, the requirement for the omitted figure of drawings was proper and will not be withdrawn.

However, a review of the application file reveals that the first line of the specification included an incorporation by reference statement to application No. 08/750,569.

MPEP § 201.06(c) states that:

. . . an applicant may incorporate by reference the prior application by including, in the application-as-filed, a statement that such specifically enumerated prior application or applications are "hereby incorporated herein by reference." The statement may appear in the specification or in the application transmittal letter. The inclusion of this incorporation by reference of the prior application(s) will permit an applicant to **amend** the continuing application to include any subject matter in such prior application(s), **without the need for a petition** (emphasis added).

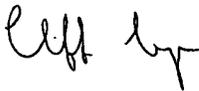
Obviously, in view of the incorporation by reference statement, Figure 34 of the drawings is not new matter if it was a part of the disclosure of provisional application No. 08/750,569.

Applicant should file an amendment adding Figure 34 of the drawings for consideration by the Examiner prior to the first Office action.

As this petition was necessitated by applicant's filing error rather than an error on the part of the Office, the petition fee of \$400 has been charged and will not be refunded.

The application is being returned to the Office of Initial Patent Examination for further processing, using the application papers filed September 26, 2006, and the replacement sheets of drawings filed October 26, 2006.

Telephone inquiries specific to this matter should be directed to the undersigned at 571-272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions



FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
901 NEW YORK AVENUE, NW  
WASHINGTON DC 20001-4413

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**JAN 19 2007**

**OFFICE OF PETITIONS**

In re Application of	:	
Sano et al.	:	
Application No. 11/526,640	:	ON PETITION
Filed: September 26, 2006	:	
Attorney Docket No. 02860.1107	:	

This is a decision on the petition filed December 18, 2006, requesting that the above-identified application be accorded a filing date of September 26, 2006.

On September 26, 2006, applicants deposited the above-identified application. On October 18, 2006, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application," stating that the application had not been accorded a filing date as the application was deposited without any drawings and that the filing date would be the date of receipt of the omitted items.

In response, on December 18, 2006, applicants filed the present petition, 10 sheets of drawings, and a returned, date-stamped postcard receipt, and paid a \$400.00 petition fee. The postcard acknowledged receipt of 10 sheets of drawings, containing 18 figures (Figures 1-10(c)), in the United States Patent and Trademark Office (USPTO) on September 26, 2006.

Upon review of the record, the 10 sheets of drawings, deposited on September 26, 2006, have not been located among the application papers. Nevertheless, the evidence is convincing that the application papers deposited on September 26, 2006, included 10 sheets of drawings, which were subsequently misplaced in the USPTO. Therefore, the application including the 10 sheet of drawings (Figures 1-10(c)), was complete on filing and will be granted a filing date of September 26, 2006.

Accordingly, the petition is **granted**. The requirement for drawings as set forth in the Notice of Incomplete was sent in error and is hereby withdrawn.

This matter is being referred to the Office of Initial Patent Examination for processing of the **above-identified application with a filing date of September 26, 2006**, using the 10 sheets of drawings submitted with the present petition on December 18, 2006.

The \$400.00 petition fee is unnecessary and will be credited to the Deposit Account in due course.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

*C. T. Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions

DATE 9-26-07

APPLICATION NUMBER 11-526-688

DOC CODE PPH.Dec

DOC DATE 9-20-07

**DELIVER THE ATTACHED FILE/DOCUMENT TO THE TC  
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**CONTRACTOR: THE ATTACHED FILE/DOCUMENT MUST BE  
INDEXED AND SCANNED INTO IFW WITHIN 8 WORK HOURS;  
UPLOADING OF THE SCANNED IMAGES SHOULD OCCUR NO  
LATER THAN 16 WORK HOURS  
FOLLOWING RECEIPT OF THIS REQUEST**

**AFTER SCANNING, ORIGINAL DOCUMENTS SHOULD BE BOXED IN  
ACCORDANCE WITH INSTRUCTIONS**



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2033 K. STREET, NW  
SUITE 800  
WASHINGTON DC 20006

SEP 20 2007  
DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600

In re Application of :  
HIDETO MOTOMURA : DECISION ON REQUEST TO  
Application No. 11/526680 : PARTICIPATE IN PATENT  
Filed: September 26, 2006 : PROSECUTION HIGHWAY  
Attorney Docket No. 2006\_1509A : 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 August 24, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to John Peng at 571-272-7272.

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.

A handwritten signature in black ink, appearing to read 'John Peng', with a stylized, cursive flourish extending to the right.

John Peng  
TC 2600  
Quality Assurance Specialist

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : November 05, 2007

TO SPE OF : ART UNIT 2187

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/526,687 Patent No.: 7260694 B2

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within 7 days, please complete and forward the response to the employee (named below) via scanning into application images, using document code COCX.

**DO NOT SENT TO ATTORNEY**

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within 7 days, to:

**Certificates of Correction Branch (CofC)  
South Tower - 9A22  
Palm Location 7580**

You can fax the Directors/SPE response to 571-270-9990

LAMONTE

NEWSOME

Certificates of Correction Branch  
703-308-9390 ext. 112

Thank You For Your Assistance

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

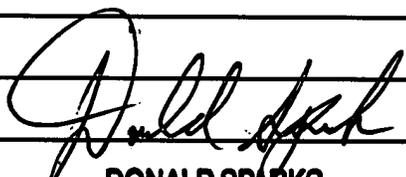
Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: The requested amendment is acceptable.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
**DONALD SPARKS**  
SUPERVISORY PATENT EXAMINER

A. U. 2187

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

Paper No.: X

DATE : November 05, 2007

TO SPE OF : ART UNIT 2187

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/526,687 Patent No.: 7260694 E2

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 COC/IN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

~~If the response is for an IFW, within 7 days, please complete and forward the response to the employee (named below) via scanning into application images, using document code COCX.~~

**DO NOT SENT TO ATTORNEY**

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within 7 days, to:

**Certificates of Correction Branch (CofC)  
South Tower - 9A22  
Palm Location 7580**

You can fax the Directors/SPE response to 571-270-9990

**LAMONTE**

**MEWSOME**

Certificates of Correction Branch  
703-308-9390 ext. 112

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

**Approved**

All changes apply.

**Approved in Part**

Specify below which changes do not apply.

**Denied**

State the reasons for denial below.

**Comments:** The requested amendment is acceptable.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
**DONALD SPARKS**  
SUPERVISORY PATENT EXAMINER

*A. U. 2187*



By hand: Customer Service Window  
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Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By fax: (571) 273-0025  
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.



Lamonte M. Newsome  
For Mary Diggs, Supervisor  
Decisions & Certificates  
Of Correction Branch  
(703) 756-1574 or (703) 305-8309

**VOLENTINE & WHITT PLLC  
ONE FREEDOM SQUARE  
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RESTON VA 20190**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/526,710	09/26/2006	Yasunobu Kodama	063127	4257

7590 08/28/2008  
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP  
1250 CONNECTICUT AVENUE, NW  
SUITE 700  
WASHINGTON, DC 20036

EXAMINER

CHUO, TONY SHENG HSIANG

ART UNIT PAPER NUMBER

1795

MAIL DATE DELIVERY MODE

08/28/2008

PAPER

**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Betty Powell*

Patent Publication Branch  
Office of Data Management

Refund Ref: 08/29/2008 BPOWELL 0000164170

Adjustment date: 08/29/2008 BPOWELL  
09/27/2006 HLE333 00000076 11526710  
02 FC:1111 -500.00 OP

CHECK Refund Total: \$500.00



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**RADER FISHMAN & GRAUER PLLC  
LION BUILDING  
1233 20<sup>TH</sup> STREET N.W., SUITE 501  
WASHINGTON DC 20036**

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DEC 16 2008**

In re Application of :  
Makoto Sanou et al :  
Application No. 11/526,741 : DECISION GRANTING PETITION  
Filed: September 26, 2006 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. SON-3636 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 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 November 24, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2873 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/  
Karen Creasy  
Petitions Examiner  
Office of Petitions

---

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



MILBANK, TWEED, HADLEY & MCCLOY LLP  
INTERNATIONAL SQUARE BUILDING  
1850 K STRET, N.W., SUITE 1100  
WASHINGTON, DC 20006

**COPY MAILED**

**MAR 28 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Zhang, et al. :  
Application No. 11/526,765 : **DECISION GRANTING PETITION**  
Filed: September 26, 2006 :  
Attorney Docket No. 38184.00900CIP :

This is a decision on the petition filed December 27, 2006, to accord the above-identified application a filing date of September 26, 2006.

On September 26, 2006, the application was deposited.

On November 2, 2006, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present, but appeared to be necessary. The Notice also stated that a filing date had not been accorded and the filing date would be the date of receipt of the drawings. The instant petition was filed responsively on December 27, 2006.

The Office has 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, composition, 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 a composition claim. Therefore, the present application is deemed to be an application that does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date. The petition fee of \$400.00 will be refunded, in due course.

In view of the above, the petition is **granted**.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of September 26, 2006, and for issuance of a corrected filing receipt. Thereafter, the application will be directed to Technology Center 1600, GAU 1616 for treatment of the preliminary amendment filed December 27, 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



MILBANK, TWEED, HADLEY & MCCLOY, LLP  
INTERNATIONAL SQUARE BUILDING  
1850 K STRET, N.W., SUITE 1100  
WASHINGTON, DC 20006

MAILED

JUL 14 2009

OFFICE OF PETITIONS

In re Application of :  
Jun Zhang, et al. :  
Application No. 11/526,765 : DECISION ON PETITION  
Filed: September 26, 2006 : UNDER 37 CFR 1.78(a)(6)  
Attorney Docket No. 38184.00900CIP :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed January 27, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after 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.

The petition does not comply with items (1) and (3).

The amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date

of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Note MPEP §§ 201.06(c) and 608.04(b). The incorporation by reference of application serial no. 60/568,485 is improper.

Before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement, are required.

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 April M. Wise at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/dab/  
David Bucci  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/526,770	09/26/2006	Atsushi Fukui	063126	2419

7590 03/13/2009  
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP  
1250 CONNECTICUT AVENUE, NW  
SUITE 700  
WASHINGTON, DC 20036

EXAMINER

RHEE, JANE J

ART UNIT	PAPER NUMBER
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1795

MAIL DATE	DELIVERY MODE
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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.

Patent Publication Branch  
Office of Data Management

Refund Ref:  
03/13/2009 NFARMER 0000166500

Adjustment date: 03/13/2009 NFARMER  
09/27/2006 JBALINAN 00000077 11526770  
02 FC:1111 -500.00 OP

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H.C. PARK & ASSOCIATES, PLC  
8500 LEESBURG PIKE  
SUITE 7500  
VIENNA, VA 22182

Mail Date: 05/20/2010

**Applicant** : Seong-Joon Jeon : DECISION ON REQUEST FOR  
**Patent Number** : 7646764 : RECALCULATION of PATENT  
**Issue Date** : 01/12/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/526,775 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/26/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **106** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

Mail Date: 05/20/2010

**Applicant** : Takahiro Mori : DECISION ON REQUEST FOR  
**Patent Number** : 7618921 : RECALCULATION of PATENT  
**Issue Date** : 11/17/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/526,777 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/26/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **495** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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**KIRSCHSTEIN, OTTINGER, ISRAEL  
& SCHIFFMILLER, P.C.  
489 FIFTH AVENUE  
NEW YORK, NY 10017**

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**NOV 14 2006**

In re Application of  
RAISE, Elliot  
Application No. 11/526,806  
Filed: September 25, 2006  
Attorney Docket No. RAIS

**OFFICE OF PETITIONS**

**DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)**

This is a decision on the petition under 37 CFR 1.102(c)(1), filed 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 evidence previously submitted in the earlier Patent Application 11/260,717 is being incorporated with the instant petition as persuasive evidence. 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.

Patricia Volpe  
Petitions Examiner  
Office of Petitions



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HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. BOX 828  
BLOOMFIELD HILLS, MI 48303

Mail Date: 04/21/2010

Applicant : Kazuhiro Takeuchi : DECISION ON REQUEST FOR  
Patent Number : 7632063 : RECALCULATION of PATENT  
Issue Date : 12/15/2009 : TERM ADJUSTMENT IN VIEW  
Application No : 11/526,808 : OF WYETH AND NOTICE OF INTENT TO  
Filed : 09/25/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **525** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



HARNES, DICKEY & PIERCE, P.L.C.  
P.O. BOX 828  
BLOOMFIELD HILLS, MI 48303

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**OFFICE OF PETITIONS**

In re Application of Yoshii et al. :  
Application No. 11/526,809 : Decision on Petition  
Filing Date: September 25, 2006 :  
Attorney Docket No. 4041K-000334 :

This is a decision in response to the petition filed April 20, 2007, which is being treated as a petition under 37 CFR 1.53(e). The petition requests, in effect, that drawing Figure 4 filed on April 20, 2007, be entered as part of the original disclosure.

The petition is **dismissed**.

The application was filed September 25, 2006.

The Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" on March 16, 2007. The Notice stated Figure 4 described in the specification did not appear to be part of the application as filed.

In response, the present petition was filed. Petitioner alleges Figure 4 was filed with the original application.

All the evidence present in the file has been carefully considered, but is not persuasive that Figure 4 was submitted as part of the original application.

Petitioner wisely filed a postcard receipt with the application papers. 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.<sup>1</sup>

The postcard receipt states 7 sheets of drawings were filed as part of the application. Upon receipt of the application papers, the Office reviewed the file and verified that at least 7 sheets of drawings were present. The 7 sheets of drawings were merely counted and were not substantively reviewed. A manual count of the pages of specification in the file indicates the presence of 7 sheets of drawings. Specifically, the file indicates two copies of the sheet containing Figures 5A and 5B were filed. Therefore, although the postcard proves 7 sheets of

<sup>1</sup> "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.

drawings were filed, the postcard does not prove a sheet containing Figure 4 was filed with the original application.

The original application papers will include only those application papers present on the date of deposit.

Petitioner's current options:

- (1) Petitioner may request reconsideration and provide further evidence to establish Figure 4 was filed as part of the original application papers.
- (2) Petitioner may, in essence, have "Figure 4" transferred from foreign application papers filed with the application.

Petitioner submitted copies of two foreign priority documents with the petition. Both documents contain a "Figure 4" that appears identical to the missing Figure 4.

Petitioner may file a petition under 37 CFR 1.182 requesting the Office process the application using the copy of Figure 4 from one of the foreign documents. Such a request should include a literal copy of "Figure 4" from the foreign priority document with "Figure 3" omitted from the drawing sheet. Since the legend on the foreign drawing is "[  4 ]", an amendment properly labeling the drawing Figure should be filed with the petition.

- (3) Petitioner may choose to allow the application to be processed without Figure 4. If petitioner's chooses this option, then an amendment should be filed deleting references to the missing Figure 4.
- (4) Petitioner may file a petition under 37 CFR 1.182 requesting Figure 4 be accepted as part of the application and the date application be accorded a filing date of April 20, 2007, the date Figure 4 was first filed.

If petitioner chooses option (3) above, the Office will inform the Office of Initial Patent Examination of the instant decision and the application will be processed without Figure 4.

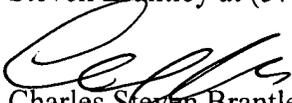
Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.53." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

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  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney  
Steven Brantley at (571) 272-3203.



Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions



Harness, Dickey & Pierce, P.L.C.  
PO Box 828  
Bloomfield Hills, MI 48303

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**FEB 01 2008**

**OFFICE OF PETITIONS**

In re Application of Yoshii et al. :  
Application No. 11/526,809 : Decision on Petition  
Filing Date: September 25, 2006 :  
Attorney Docket No. 4041K-000334 :

This is a decision in response to the petition filed October 1, 2007, requesting, in effect, that drawings sheet from a foreign priority document filed with the original application papers be entered as part of the original disclosure.

The petition is **granted**.

Pages submitted as part of a foreign priority document filed with the original application may be treated as part of the original disclosure upon the filing of a proper petition and petition fee.

A review of the two priority documents submitted September 25, 2006, reveals both include a drawing sheet almost identical to the missing drawing sheet intended to be filed on September 25, 2006, and which appear to correspond to missing figure described in the specification. Accordingly, on petition, the drawing *from the priority document* will be construed as part of the drawings for this application for filing date purposes.

The Application is being returned to the Office of Patent Application Processing for further processing with a filing date of September 25, 2006, using the application papers filed on September 25, 2006, and the amended drawings filed October 1, 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/526,870	09/26/2006	Norbert Bernard Eugene Lataille	550-863	2017

23117 7590 02/24/2009  
NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203

EXAMINER

PARTRIDGE, WILLIAM B

ART UNIT PAPER NUMBER

2183

MAIL DATE DELIVERY MODE

02/24/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON VA 22203

In re Application of: LATAILLE et al.  
Application No. 11/526,870  
Filed: September 26, 2006  
Attorney Docket Number: 550-863  
For: RESTORING A REGISTER RENAMING  
TABLE WITHIN A PROCESSOR FOLLOWING  
AN EXCEPTION

DECISION ON PETITION TO  
WITHDRAW THE FINALITY OF  
AN OFFICE ACTION

This paper provides the decision on the petition filed January 15, 2009 under 37 C.F.R. § 1.181 requesting relief against examiner's requirement of a new title in this application.

The Petition is **GRANTED**.

**Applicable Prosecution History**

- |                    |   |
|--------------------|---|
| September 26, 2006 | Original Application filed.   |
| May 1, 2008        | Examiner issued a FAOM (non-final Office action), including objecting to Specification, and requiring a new title for the application.  |
| August 1, 2008     | Applicant filed a response to the non-final rejection above, including amendment to claims. Applicant responded to the requirement for a new title, explaining that the title clearly disclosed the claimed invention, and inviting the examiner to provide a "more descriptive title" for the applicants' consideration. |
| October 15, 2008   | Examiner mailed final action. Examiner maintained the requirement for a new title for the application.  |
| January 15, 2009   | Instant petition filed, requesting withdrawal of the requirement for a new title for the application.   |

**RELIEF REQUESTED**

The Applicant respectfully that the requirement for a new title for the application be withdrawn.

**RULES AND PROCEDURE**

606 [R-5] Title of Invention

The title of the invention should be placed at the top of the first page of the specification unless it is provided in the application data sheet (see 37 CFR 1.76). The title should be brief but technically accurate and descriptive and should contain fewer than 500 characters.

MPEP 606.01 [R-2] Examiner May Require Change in Title

Where the title is not descriptive of the invention claimed, the examiner should require the substitution of a new title that is clearly indicative of the invention to which the claims are directed.

.....  
This may result in slightly longer titles, but the loss in brevity of title will be more than offset by the gain in its informative value in indexing, classifying, searching, etc. If a satisfactory title is not supplied by the applicant, the examiner may, at the time of allowance, change the title by examiner's amendment.

**DECISION**

Petitioner, in the remarks filed on August 1, 2008 responded that the title clearly disclosed the claimed invention, and invited the examiner to provide a "more descriptive title" for the applicants' consideration. Petitioner contends in this petition, that the Examiner, in the Final Rejection, made no proposed title or indicated any specific defect of the existing title and merely repeated his unsupported allegation that the title of the invention is not descriptive.

From a review of the prosecution history, it is seen that in the final rejection mailed on October 15, 2008, Examiner has not responded to applicants' arguments regarding the adequacy of the title, or the request for examiner to provide a more descriptive title, if examiner found current title to be not adequate.

For the above stated reasons, the petition is **GRANTED**. The objection to the Specification for requiring a new title in the Office action mailed on October 15, 2008 is hereby withdrawn.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-4210.

/Mano Padmanabhan/

---

Mano Padmanabhan, WQAS 2180  
Technology Center 2100  
Computer Architecture, Software, and Information Security



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ALEXANDRIA, VA 22313-1450  
WWW.USPTO.GOV

Paper No. None

MCDERMOTT WILL & EMERY LLP  
600 13TH STREET, N.W.  
WASHINGTON DC 20005-3096

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MAR 27 2007

In re Application of	:	
Makoto Murai et al.	:	
Application No. 11/526,875	:	DECISION ON PETITION
Filed: September 26, 2006	:	PURSUANT TO 37 C.F.R.
Attorney Docket Number: 066097-	:	\$1.182
0023	:	
Title: CIRCUIT DEVICE	:	

**OFFICE OF PETITIONS**

This is a decision on the petition filed December 15, 2006, pursuant to 37 C.F.R. \$1.182, requesting that the above-identified application, including fourteen sheets of drawings, be accorded a filing date of September 26, 2006 as part of the original disclosure.

The present application was deposited on September 26, 2006. However, on October 16, 2006, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application" (notice), stating that the application had not been accorded a filing date, and advising applicants that a filing date would be accorded upon the deposit of drawings. The notice further indicated that the basic filing fee, an executed oath or declaration, the search fee, and the examination fee would be required.

In response, on December 15, 2006, applicants filed the present petition. The petition is further accompanied by the basic filing fee, an executed oath or declaration along with the associated surcharge, the search fee, the examination fee, a copy of fourteen sheets of drawings, and a copy of applicants' postcard receipt acknowledging receipt of "14 pages of Formal/Informal Drawings" in the United States Patent and Trademark Office (Office) on September 26, 2006. Applicants

request that the present application, including each of these fourteen sheets of drawings, be accorded a filing date of September 26, 2006.

No sheets of drawings have been located among the application papers in the electronic file. However, the evidence is convincing that the application papers deposited on September 26, 2006 included fourteen sheets of drawings, and each of these sheets was subsequently misplaced in the Office.

Therefore, the application, including fourteen sheets of drawings, was complete on filing and entitled to a filing date of September 26, 2006 as part of the original disclosure.

Accordingly, the petition under 37 C.F.R. §1.182 is **GRANTED**.

The portion of the notice referring to the drawings, mailed October 16, 2006 was sent in error, and this portion is hereby **VACATED**. Therefore, no petition fee is necessary, and the petition fee of \$400 will be refunded to Petitioner's Deposit Account in due course.

OIPE will be notified that the application should receive a filing date of September 26, 2006, using the original application papers filed on that date, as well as the fourteen sheets of drawings submitted on December 15, 2006, and it will be noted in Office records that these fourteen sheets of drawings were present on filing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.



**Paul Shanowski**  
**Senior Attorney**  
**Office of Petitions**  
**United States Patent and Trademark Office**



HEENAN BLAIKIE LLP  
P. O. BOX 185, SUITE 2600, 200 BAY STREET  
SOUTH TOWER, ROYAL BANK PLAZA  
TORONTO ON M5J 2J4 CA CANADA

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NOV 17 2008

**OFFICE OF PETITIONS**

In re Application of :  
**CHEN**, et al. :  
Application No. 11/526,878 : DECISION GRANTING PETITION  
Filed: September 26, 2006 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. **038560-0114US** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 13, 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 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.<sup>1</sup>***

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2835 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Monica A. Graves  
Petitions Examiner  
Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



WESTERMAN HATTORI DANIELS & ADRIAN, LLP  
1250 CONNECTICUT AVENUE, NW  
SUITE 700  
WASHINGTON, DC 20036

**MAILED**

APR 20 2009

OFFICE OF PETITIONS

In re Application of :  
Tomonari Yamamoto et al :  
Application No. 11/526,882 :  
Filed: September 26, 2006 :  
Attorney Docket No. 053476A :

ON PETITION

This is a decision on the petition, filed April 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 10, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2822 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

---

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



WOLF GREENFIELD & SACHS, PC  
FEDERAL RESERVE PLAZA  
600 ATLANTIC AVENUE  
BOSTON, MA 02210-2206

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**MAY 12 2008**

**OFFICE OF PETITIONS**

Applicant: Bratzler, et al.

Appl. No.: 11/526,896

Filing Date: September 22, 2006

Title: IMMUNOSTIMULATORY NUCLEIC ACIDS FOR THE TREATMENT OF ASTHMA AND ALLERGIES

Attorney Docket No.: C1037.70013US03

Pub. No.: US 2007/0037767 A1

Pub. Date: February 15, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 14, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on page 1 in paragraph [0039] wherein "side effects associated with drugs and none of" is misprinted as "side effects associated with drug's and none of", on page 2 paragraph [0018] "wherein X<sub>1</sub>, X<sub>2</sub>, X<sub>3</sub>, and X<sub>4</sub> are nucleotides..." is misprinted as "wherein X, X<sub>2</sub>, X<sub>3</sub>, and X<sub>4</sub> are nucleotides..." and on page 21 paragraph [0057] wherein "5'TCN<sub>1</sub>TX<sub>1</sub>X<sub>2</sub>CGX<sub>3</sub>X<sub>4</sub>3" is misprinted as "5'TCN<sub>1</sub>TX<sub>1</sub>X<sub>2</sub>CGX<sub>3</sub>X<sub>4</sub>3".

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.<sup>1</sup>

The errors on pages 1, 2 and 21 may be Office errors, but they are not material Office errors under 37 CFR 1.221. The change in the subscripts does not affect the understanding of the application. 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

<sup>1</sup>Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

Some of the text was not printed correctly due to the quality of the text. The errors noted by requestor in the sequence in this published application are due to the quality of the text, as the subscripts are very small. Some of the text (the subscripts) is not clear due to the size. The quality of some of the text is poor, as it is small, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52.

It would greatly benefit the Office if a 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.

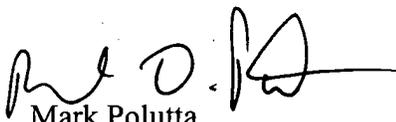
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy



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**WILLIAM M. HOBBY, III**  
**157 E. NEW ENGLAND AVENUE**  
**SUITE 375**  
**WINTER PARK, FLORIDA 32789**

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**MAR 15 2007**

**OFFICE OF PETITIONS**

In re Application of	:	
<b>Goble, Rowland H.</b>	:	
Application No. 11/526,908	:	<b>DECISION ON PETITION</b>
Filed: September 26, 2006	:	<b>TO MAKE SPECIAL UNDER</b>
Attorney Docket No. <b>06-6003</b>	:	<b>37 CFR 1.102(c)(1)</b>
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 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 statement by Rowland H. Goble 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 3673 for action on the merits commensurate with this decision.

*Terri Williams*  
Terri Williams  
Petitions Examiner  
Office of Petitions



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WILLIAM D. LANYI  
MERCURY MARINE  
W6250 PIONEER ROAD P.O. BOX 1939  
FOND DU LAC, WI 54936-1939

Mail Date: 04/21/2010

<b>Applicant</b>	: Roger E. Koepsel	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7637722	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/526,954	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/26/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **671** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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DONALD E. BURG  
15840 S.W. 84 AVENUE  
MIAMI FL 33157

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**MAR 06 2007**

**OFFICE OF PETITIONS**

In re Application of	:	
Donald E. Burg	:	
Application No. 11/526,958	:	DECISION ON PETITION
Filed: September 26, 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 September 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 verified statement by applicant. Accordingly, the above-identified application has been accorded "special" status.

This application is being forwarded to the Technology Center Art Unit 3745 for action on the merits.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

*April M. Wise*  
April Wise  
Petitions Examiner  
Office of Petitions



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RAYMOND R. MOSER JR., ESQ.  
MOSER IP LAW GROUP  
1030 BROAD STREET  
2ND FLOOR  
SHREWSBURY, NJ 07702

Mail Date: 04/21/2010

<b>Applicant</b>	: Beshara G. Elmufdi	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7606698	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/526,967	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/26/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **280** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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BACHMAN & LAPOINTE, P.C.  
900 CHAPEL STREET  
SUITE 1201  
NEW HAVEN, CT 06510

Mail Date: 04/21/2010

<b>Applicant</b>	: Toyomi Yamashita	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7605548	: RECALCULATION of PATENT
<b>Issue Date</b>	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/526,985	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/26/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **404** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



HOFFMANN & BARON, LLP  
6900 JERICHO TURNPIKE  
SYOSSET, NY 11791

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NOV 05 2007

**OFFICE OF PETITIONS**

In re Application of :  
Garry L. Myers, et al. :  
Application No. 11/526,996 :  
Filed: September 26, 2006 :  
Attorney Docket No. 1199-64 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 2, 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 October 17, 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 December 18, 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) 3.

The instant petition fails to contain the required statement of unintentional delay. 37 CFR 1.137(b) states that 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 (II)(C) and (D)).]

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                    Mail Stop PETITION  
                                  Commissioner for Patents  
                                  P. O. Box 1450  
                                  Alexandria, VA 22313-1450

By hand:                    U. S. Patent and Trademark Office  
                                  Customer Service Window, Mail Stop Petitions  
                                  Randolph Building  
                                  401 Dulany Street  
                                  Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1642.



April M. Wise  
Petitions Examiner  
Office of Petitions



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**NOV 09 2007**

**OFFICE OF PETITIONS**

HOFFMANN & BARON, LLP  
6900 JERICHO TURNPIKE  
SYOSSET, NY 11791

In re Application of	:	
Garry L. Myers, et al.	:	
Application No. 11/526,996	:	CORRECTED
Filed: September 26, 2006	:	DECISION ON PETITION
Attorney Docket No. 1199-64	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 2, 2007, to revive the above-identified application.

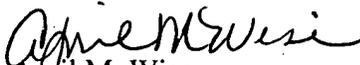
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed October 17, 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 December 18, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath, (2) the petition fee of \$1500, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to the Office of Initial Patent Examination to process the reply received July 2, 2007.

  
April M. Wise  
Petitions Examiner  
Office of Petitions



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MARSHALL, GERSTEIN & BORUN LLP  
233 SOUTH WACKER DRIVE  
6300 WILLIS TOWER  
CHICAGO IL 60606-6357

**MAILED**

**MAY 03 2010**

In re Application of : **OFFICE OF PETITIONS**  
Roos et al. :  
Application No.: 11/527030 : **ON PETITION**  
Filing or 371(c) Date: 09/26/2006 :  
Attorney Docket Number: 30572/42337 :

This is a decision on the "Petition Under 37 C.F.R. § 1.182 to Change the Order of Listing of Inventors Names," filed on January 22, 2010.

The petition is **granted**.

The order of the names of the inventors has been be changed as follows:

- 1 Arne Roos
2. Jorge F. Dos Santos

A Corrected Filing Receipt is enclosed reflecting the change is enclosed herewith.

This application is being referred to Technology Center Art Unit 1793 for continued examination in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/  
Derek L. Woods  
Attorney  
Office of Petitions

Enclosure: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/527,030, 09/26/2006, 1793, 3030, 30572/42337, 58, 2

CONFIRMATION NO. 3444

CORRECTED FILING RECEIPT

4743
MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606-6357



Date Mailed: 05/03/2010

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)

Arne Roos, Juliusburg, GERMANY;
Jorge F. Dos Santos, Avendorf, GERMANY;

Assignment For Published Patent Application

GKSS-FORSCHUNGSZENTRUM GEESTHACHT GMBH, Geesthacht, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number 04743

Domestic Priority data as claimed by applicant

Foreign Applications

GERMANY 10 2005 045 954.4 09/26/2005

If Required, Foreign Filing License Granted: 05/02/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/527,030

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

Method and apparatus of producing a welded connection between the surfaces of two planar workpieces

**Preliminary Class**

228

**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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LAW OFFICE OF L. JACK GIBNEY  
8777 SAN JOSE BLVD.  
SUITE 502  
JACKSONVILLE FL 32217

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MAR 07 2008

OFFICE OF PETITIONS

In re Application of :  
Cartwright et al. :  
Application No. 11/527,036 : DECISION ON PETITION  
Filed: September 26, 2006 :  
Attorney Docket No. 05-247-PTU-YP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 28, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center 3752 for further examination on the merits.

Liana Walsh  
Petitions Examiner  
Office of Petitions



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INTELLECTUAL PROPERTY MANAGEMENT  
BOEING MANAGEMENT COMPANY  
P.O. BOX 2515  
MAIL CODE 110-SD54  
SEAL BEACH, CA 90740-1515

Mail Date: 04/20/2010

<b>Applicant</b>	: E-Charles Clark	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7585138	: RECALCULATION of PATENT
<b>Issue Date</b>	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/527,061	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/26/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **298** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



PAUL S. MADAN  
MADAN, MOSSMAN & SRIRAM, PC  
2603 AUGUSTA DRIVE, SUITE 700  
HOUSTON TX 77057-5662

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**MAR 31 2008**

**OFFICE OF PETITIONS**

In re Application of  
BROTHERTON-RATCLIFFE et al.  
Application No. 11/527,068  
Filed: 09/26/2006  
Attorney Docket No. FBD-1003-USC

:  
:  
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DECISION ON PETITION

This is a decision on the "REQUEST TO WITHDRAW TERMINAL DISCLAIMER RELATING TO U.S. PATENT 6,930,811," filed November 15, 2007. The petition was recently forwarded to the Office of Petitions. The undersigned immediately reviewed the petition and rendered this decision upon receiving the petition. The Office sincerely apologizes for any inconvenience.

Applicant requests that the Office withdraw the terminal disclaimer relating to Patent No. 6,930,811, filed November 7, 2007. As the examiner has concurred, the requested relief can be favorably considered. Accordingly, the petition is **granted**.

The \$400.00 petition fee will be charged to Deposit Account No. 13-0010, as previously authorized.

This matter is being referred to the Office of Patent Publication for issuance of a patent.

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



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NELLCOR PURITAN BENNETT LLC  
ATTN: IP LEGAL  
6135 Gunbarrel Avenue  
Boulder, CO 80301

Mail Date: 04/20/2010

<b>Applicant</b>	: Paul W. Martens	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7657163	: RECALCULATION of PATENT
<b>Issue Date</b>	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/527,069	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/26/2006	: 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.



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/527,071 09/26/2006 Russell Y. Webb 3670.PALM.PSI.CON2 3044

7590 10/23/2008
BERRY & ASSOCIATES P.C.
9255 SUNSET BOULEVARD
SUITE 810
LOS ANGELES, CA 90069

EXAMINER
HJERPE, RICHARD A

ART UNIT PAPER NUMBER
2629

MAIL DATE DELIVERY MODE
10/23/2008 PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Handwritten signature of Mimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 10/23/2008 NFARMER
09/28/2006 DEMMANU1 00000069 503102 11527071
02 FC:1111 500.00 CR



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REISING, ETHINGTON, BARNES, KISSELLE, P.C.  
P. O. BOX 4390  
TROY, MI 48099-4390

Mail Date: 04/21/2010

<b>Applicant</b>	: Volker Joergl	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7617678	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/527,089	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/26/2006	: 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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IBM CORPORATION, T.J. WATSON RESEARCH CENTER  
P.O. BOX 218  
YORKTOWN HEIGHTS, NY 10598

Mail Date: 04/20/2010

**Applicant** : Chun Ying : DECISION ON REQUEST FOR  
**Patent Number** : 7647045 : RECALCULATION of PATENT  
**Issue Date** : 01/12/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/527,107 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/25/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **754** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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NOV 10 2009

**OFFICE OF PETITIONS**

**Jones & Smith, LLP**  
2777 Allen Parkway, Suite 800  
Houston, TX 77019-2141

In re Patent No. 7,478,794 :  
Issue Date: January 20, 2009 :  
Application No. 11/527,130 : **NOTICE**  
Filed: September 26, 2006 :  
Attorney Docket No. 41443-01300 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed August 17, 2009. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

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.

This file is being forwarded to Files Repository.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

  
Carl Friedman  
Petitions Examiner  
Office of Petitions



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17220 NEWHOPE STREET #127  
FOUNTAIN VALLEY, CA 92708

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OCT 06 2008

**OFFICE OF PETITIONS**

In re Application of :  
Kevin J. Yang :  
Application No. 11/527,154 : **DECISION ON PETITION**  
Filed: September 26, 2006 :  
Attorney Docket No: PT 116.104 :

This is a decision on the petitions under the unintentional provisions of 37 CFR 1.137(b), filed September 13 and 23, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed January 25, 2008, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on 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 a response to the Restriction Requirement, (2) the petition fee of \$770.00 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 Technology Center AU 2872 for appropriate action by the Examiner in the normal course of business on the reply received.

/Liana Walsh/  
Liana Walsh  
Petitions Examiner  
Office of Petitions

COPY FOR CONTINUING  
APPLICATION



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UNITED STATES PATENT AND TRADEMARK OFFICE  
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Paper No. 8

BENJAMIN J. LUFT, M.D.  
DIVISION OF INFECTIOUS DISEASE  
DEPARTMENT OF MEDICINE  
HEALTH SCIENCES CENTER  
LEVEL 16, ROOM 020  
S.U.N.Y. AT STONY BROOK  
STONY BROOK, NY 11794-8160

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NOV 26 2003

**OFFICE OF PETITIONS**

In re Application of  
Raymond J. Dattwyler et al.  
Application No. 10/369,100  
Filed: February 18, 2003  
For: RECOMBINANT CONSTRUCTS OF BORRELIA BURGENDORFERI

Dear Mr. Luft:

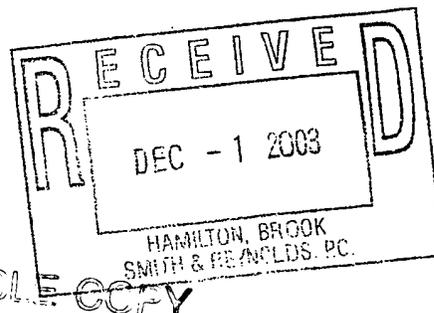
You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint 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 Petitions Attorney at (703) 305-4497. 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).

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

cc:  
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
530 VIRGINIA ROAD  
P.O. BOX 9133  
CONCORD MA 01742-9133

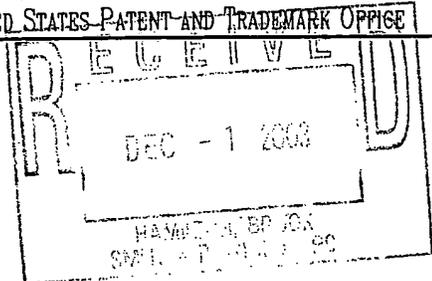


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Paper No. 7

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
530 VIRGINIA ROAD  
P.O. BOX 9133  
CONCORD MA 01742-9133

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NOV 26 2003

**OFFICE OF PETITIONS**

In re Application of  
Raymond J. Dattwyler et al.  
Reissue Application No. 10/369,100  
Filed: February 18, 2003  
Attorney Docket No. 2631.1001-011

: DECISION ACCORDING STATUS  
: UNDER 37 CFR 1.47(a)  
:  
:

This is in response to the petition under 37 CFR 1.47(a), filed September 30, 2003 (certificate of mail date).

The petition is GRANTED.

The above-identified application was filed on February 18, 2003, without an executed oath or declaration and naming Raymond J. Dattwyler, Maria J.C. Gomes-Solecki, Benjamin J. Luft and John J. Dunn as co-inventors.

Accordingly, on April 30, 2003, a "Notice To File Missing Parts of Application" was mailed, requiring filing fees, an executed oath or declaration and a surcharge for their late filing. A two month period for reply was set.

In response, on September 30, 2003, the instant petition under 37 CFR 1.47(a), a declaration executed only by co-inventors Dattwyler, Gomes-Solecki and Dunn, and petition for three month extension of time was filed claiming that co-inventor Benjamin J. Luft refused to execute the declaration. Co-inventor Luft's last known address and the required fees were also submitted. The petition bears proof that the application papers were sent on two separate occasions to Mr. Luft and that by way of a registered mail return receipt, proves that the application papers had been delivered/received by the offices of Mr. Luft.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47(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

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of this application will also be published in the Official Gazette.

The application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497.



Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
530 VIRGINIA ROAD  
P.O. BOX 9133  
CONCORD, MA 01742-9133

Mail Date: 04/21/2010

<b>Applicant</b>	: Raymond J. Dattwyler	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7605248	: RECALCULATION of PATENT
<b>Issue Date</b>	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/527,161	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/26/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **22** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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Treyz Law Group  
870 Market Street, Suite 984  
SAN FRANCISCO, CA 94102

Mail Date: 04/21/2010

**Applicant** : Ruben Caballero : DECISION ON REQUEST FOR  
**Patent Number** : 7639187 : RECALCULATION of PATENT  
**Issue Date** : 12/29/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/527,192 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/25/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

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 PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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**APR 17 2007**

**OFFICE OF PETITIONS**

**MORRISON & FOERSTER LLP  
425 MARKET STREET  
SAN FRANCISCO CA 94105-2482**

In re Application of

**GOLDBERG, Evgueni et al.**

Application No. 11/527,198

Filed: September 25, 2006

Attorney Docket No. 188122006800

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.136(b), filed March 14, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Peter J. Yim on behalf of all attorneys of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Evgueni Goldberg at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

  
Monica A. Graves  
Petitions Examiner  
Office of Petitions

cc: **EVGUENI GOLDBERG  
1223 OXFORD STREET  
BERKELEY, CA 94709-1422**

cc: **STEPHEN C. DURANT  
NOVAK DRUCE & QUIGG LLP  
SPEAR STREET TOWER - 35<sup>TH</sup> FLOOR  
ONE MARKET PLAZA  
SAN FRANCISCO, CA 94105**



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**MORRISON & FOERSTER LLP  
425 MARKET STREET  
SAN FRANCISCO, CA 94105-2482**

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JUN 19 2007

**OFFICE OF PETITIONS**

In re Application of  
**ARSINTESCU, George B.**  
Application No. 11/527,199  
Filed: September 25, 2006  
Attorney Docket No. **188122007200**

**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 14, 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 April 26, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

  
Michelle R. Eason  
Petitions Examiner  
Office of Petitions

cc: **SAN FRANCISCO OFFICE OF  
NOVAK, DRUCE & QUIGG LLP  
1000 LOUISIANA STREET  
FIFTY-THIRD FLOOR  
HOUSTON TX 77002**



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**OFFICE OF PETITIONS**  
DECISION ON PETITION  
UNDER 37 CFR 1.137(b)

In re Application of  
Edward P. **ERDMAN**  
Application No. 11/527,218  
Filed: September 26, 2006  
Attorney Docket No. **H-KN-00160**

This is a decision on the petition under 37 CFR 1.137(b), filed July 16, 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 of Missing Parts of Nonprovisional Application mailed October 16, 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 December 17, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the declaration and surcharge fee of \$130; (2) the petition fee of \$1500; and (3) an adequate statement of unintentional delay.

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Michael G. Panian 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. Panian 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 application is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

Brian W. Brown  
Petitions Examiner  
Office of Petitions

cc: **MICHAEL G. PANIAN**  
**601 ALLENDALE ROAD**  
**KING OF PRUSSIA, PA 19406**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/527,259	09/26/2006	Robert P. Morris	I406/US	5057
52354	7590	02/03/2010	EXAMINER	
SCENERA RESEARCH, LLC			FORMAN, JAMES Q	
JENKINS, WILSON, TAYLOR & HUNT, P.A.			ART UNIT	PAPER NUMBER
111 Corning Road			2448	
SUITE 220			MAIL DATE	DELIVERY MODE
Cary, NC 27518			02/03/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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John A. Demos  
SCENERA RESEARCH, LLC  
JENKINS, WILSON, TAYLOR & HUNT, P.A.  
111 Corning Road  
SUITE 220  
Cary NC 27518

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400

In re Application of: MORRIS, Robert P.  
Application No. **11/527,259**  
Filed: September 26, 2006  
Docket No. I406/US  
Title of Invention: METHODS, SYSTEMS, AND  
COMPUTER PROGRAM PRODUCTS FOR  
ENABLING DYNAMIC CONTENT IN A  
MARKUP LANGUAGE ELEMENT

**DECISION ON PETITION  
UNDER 37 C.F.R. § 1.103(a)**

This is a decision on the petition filed on January 13, 2010 under 37 CFR § 1.103(a) requesting suspension of action by the Office for a period of six (6) months for good and sufficient cause. The request is accompanied by fee set forth in §1.17(g).

The petition is **GRANTED**.

Pursuant to applicant's request filed on January 13, 2010, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of six (6) months. The suspension of action in the case applied to an impending Office action by the examiner in view of Applicant's response 12/22/09 to non-final office action mailed 10/01/09. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. See 37 CFR § 1.704(c)(1).

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3902. If attempts to reach the undersigned by telephone are unsuccessful, alternatively, Kim Huynh, Quality Assurance Specialist, can be reached at (571) 272-4147.

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist  
Technology Center 2400  
**Network, Multiplexing, Cable and Security**



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LAHIVE & COCKFIELD, LLP  
ONE POST OFFICE SQUARE  
BOSTON, MA 20109-2127

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**AUG 23 2007**

**OFFICE OF PETITIONS**

In re Application of	:	
Mari Sakamoto et al	:	
Application No. 11/527,262	:	DECISION GRANTING
Filed: September 26, 2006	:	PETITION
Attorney Docket No. IIW-058	:	

This is a decision on the petition, filed February 12, 2007, requesting that the above-identified application be accorded a filing date of September 26, 2006, rather than the presently accorded date of September 25, 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 September 26, 2006. In support of this allegation, petitioner has submitted a copy of Express Mail receipt No. EV682430266US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of September 26, 2006. Additionally, the Express Mail receipt contains a USPS stamped date of September 26, 2006.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label; MPEP 513. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on September 26, 2006. This application is entitled to a filing date of September 26, 2006 and has been so accorded.

In view of the above, the petition is **GRANTED**.

A Corrected Filing Receipt has been mailed under separate cover.

This file is currently awaiting examination by Technology Center AU 2875.

Telephone inquiries relating to this decision should be directed the undersigned at (571) 272-3218.

Frances Hicks  
Petitions Examiner  
Office of Petitions



Stuart Lee Adelman, Ph.D  
Suite 513  
12200 Academy Road NE  
Albuquerque NM 87111

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**DEC 17 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
Stuart Lee Adelman	:	
Application No. 11/527,288	:	DECISION ON PETITION
Filed: September 26, 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 October 28, 2009, 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) 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 a registered attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3735 for action on the merits commensurate with this decision.



JoAnne Burke  
Petitions Examiner  
Office of Petitions



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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC  
220 FIFTH AVENUE  
16TH FLOOR  
NEW YORK, NY 10001-7708

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**MAR 29 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Kazunori Yanagi :  
Application No.: 11/527,289 :  
Filed: September 26, 2006 :  
Attorney Docket No.: 06692/LH :

**ON PETITION**

This is a decision on the petition, filed March 29, 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 February 12, 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.<sup>1</sup>*

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2862 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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**DONALD J. LADANYI**  
**24582 CHAPPARAL**  
**WESTLAKE OH 44145**

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**DEC 19 2008**

**OFFICE OF PETITIONS**

In re Application of  
Donald J. Ladanyi  
Application No. 11/527,346  
Filed: September 25, 2006  
For: FLATWARE MARKETING  
METHOD

:  
:  
:  
:  
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:

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 30, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice To File Missing Parts Of Nonprovisional Application (Notice) Mailed on October 13, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s)(1).

The declaration submitted with the petition on October 30, 2008 did not identify the application by the application number as required in the Notice mailed October 13, 2006.

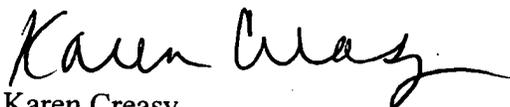
Further correspondence with respect to this matter should be addressed as follows:

By Mail:                    Mail Stop PETITION  
                                  Commissioner for Patents  
                                  P. O. Box 1450  
                                  Alexandria, VA 22313-1450

By 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) 272-3208.



Karen Creasy  
Petitions Examiner  
Office of Petitions

cc:

**BROUSE MCDOWELL LPA**  
**388 SOUTH MAIN STREET**  
**SUITE 500**  
**AKRON, OH 44311**



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**DONALD J. LADANYI**  
**24582 CHAPPARAL**  
**WESTLAKE OH 44145**

**MAILED**

MAR 05 2009

OFFICE OF PETITIONS

In re Application of :  
Donald J. Ladanyi :  
Application No. 11/527,346 : DECISION ON PETITION  
Filed: September 25, 2006 :  
Attorney Docket No. 22750.43145 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 6, 2009, to revive the above-identified application.

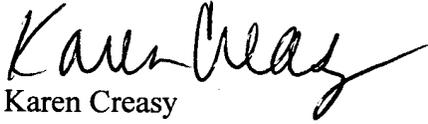
The petition is **GRANTED**.

This application has been abandoned for an extended period of time. The U.S. Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." See Changes to Patent Practice and Procedure, 62 Fed. Reg., at 53160 and 53178; 1203 Off. Gaz. Pat. Office, at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the U.S. Patent and Trademark Office).

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an executed declaration/surcharge fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed October 13, 2006, 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 Patent Application Processing for pre-examination processing.



Karen Creasy  
Petitions Examiner  
Office of Petitions

cc:

**BROUSE MCDOWELL LPA  
388 SOUTH MAIN STREET  
SUITE 500  
AKRON, OH 44311**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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11/527,429	09/26/2006	Sunil Chandra Jha	FMI US-26(c) CON	5049
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27104 7590 12/10/2008  
 FENNEMORE CRAIG, P.C.  
 1700 Lincoln Street  
 SUITE 2900  
 DENVER, CO 80203

EXAMINER

DAHIMENE, MAHMOUD

ART UNIT	PAPER NUMBER
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1792

MAIL DATE	DELIVERY MODE
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12/10/2008

PAPER

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The time period for reply, if any, is set in the attached communication.



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Mailed: 12/10/08

In re application of

Sunil Chandra Jha et al.

Serial No. 11/527,429

Filed: September 26, 2006

For: POLISHING SLURRIES AND METHODS FOR  
 CHEMICAL MECHANICAL POLISHING

DECISION ON  
 PETITION

This is a decision on the PETITION UNDER 37 CFR 1.181, TO WITHDRAW THE OBJECTION TO THE SPECIFICATION, filed November 6, 2008.

On September 10, 2008, a final office action was mailed to applicants. The amendment filed 1/7/2008 was objected to under 35 USC 132(a) because it introduces new matter into the disclosure. The Examiner objected to the proposed amendment replacing MoO<sub>3</sub> with MoO<sub>2</sub>. The Examiner considered applicant's arguments filed 6/25/08 but found them not persuasive because both types of MoO<sub>3</sub> with MoO<sub>2</sub> were cited in applicants' specification.

Applicant asserts that the Examiner's objection contradicts a previous examiner's amendment in the parent application and that the amendment does not constitute new matter. Applicant asserts that the amendment is merely correcting an obvious error of MoO<sub>3</sub> to MoO<sub>2</sub>. The applicant points to paragraphs that all recite embodiments of MoO<sub>2</sub> followed by examples and tables of MoO<sub>2</sub> and that it should be apparent that paragraph 117 and table 13 relate to an embodiment comprising MoO<sub>2</sub> and that the following paragraphs should recite MoO<sub>2</sub> not MoO<sub>3</sub>.

A review of the specification does disclose paragraphs that recite embodiments of MoO<sub>2</sub> followed by examples of MoO<sub>2</sub> however it should be noted that there are also paragraphs that recite MoO<sub>3</sub> followed by examples of MoO<sub>3</sub>. The applicant cites paragraphs 33, 36, 39, 41 and 42 to show a pattern that presents examples and tables of that embodiment however also demonstrating this pattern for MoO<sub>3</sub> are paragraphs 63, 67, 71, 103, 111 and 113.

An amendment to correct an obvious error does not constitute new matter where one skilled in the art would not only recognize the existence of error in the specification, but also the appropriate correction. *In re Odd*, 443 F.2d 1200, 170 USPQ 268 (CCPA 1971). However in view of embodiments and examples present in the specification that recite MoO<sub>3</sub> and MoO<sub>2</sub> it is not clear how one of ordinary skill in the art would have recognized the existence of the error.

**DECISION**

11/527,429

The petition is **DISMISSED**.

*Jacqueline M. Stone*

---

Jacqueline M. Stone, Director  
Technology Center 1700  
Chemical and Materials Engineering

---

Daniel A. Staley  
FENNEMORE CRAIG, P.C.  
1700 Lincoln Street  
SUITE 2900  
DENVER CO 80203



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**Seagate Technology  
c/o Mofo Nova  
1650 Tysons Boulevard  
Suite 300  
McLean, VA 22102**

**COPY MAILED**  
**JUN 07 2007**  
**OFFICE OF PETITIONS**

In re Application of :  
Michael J. Stirniman et al. :  
Application No. 11/527,466 : **DECISION ON PETITION**  
Filed: September 27, 2006 : **TO WITHDRAW**  
Attorney Docket No. 146712019200 : **FROM RECORD**

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 30, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

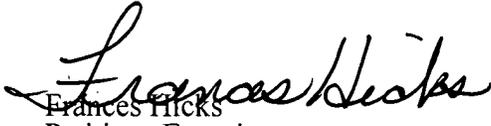
The request cannot be approved because the customer number listed on the request to withdraw is not of record.

Applicant is advised that the Oath and Declaration filed September 27, 2006 appointed customer number 50268 as attorneys of record.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant. A courtesy copy will be mailed to the address noted on the request to withdraw. If this firm would like to receive future correspondence regarding this application, the proper power of documents must be submitted.

There are no outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

  
Frances Hicks  
Petitions Examiner  
Office of Petitions

cc: Raj S. Dave  
Darby & Darby P.C.  
1500 K Street, N.W.  
Suite 250  
Washington, DC 20005-1714



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Paper No.

BACON & THOMAS, PLLC  
625 SLATERS LANE  
FOURTH FLOOR  
ALEXANDRIA VA 22314-1176

MAILED  
MAY 19 2010  
OFFICE OF PETITIONS

In re Application of :  
Hwang et al. :  
Application No. 11/527,490 : DECISION ON PETITION  
Filed: September 27, 2006 : PURSUANT TO  
Attorney Docket No.: MR1035- : 37 C.F.R. § 1.181(A)  
1898 :  
Title: MODIFIED NAT FIREWALL :  
TRAVERSAL METHOD FOR SIP :  
COMMUNICATION , :

This is a decision on the petition pursuant to 37 C.F.R. § 1.181(a), filed on March 18, 2010, requesting that the holding of abandonment in the above-identified application be withdrawn.

Receipt of the concurrently submitted issue and publication fees is acknowledged.

The Revocation of Power of Attorney with Change of Correspondence Address that was filed on May 18, 2009 has been entered and made of record.

BACKGROUND

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed August 11, 2009, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue fees<sup>1</sup> or publication fees.<sup>2</sup> Accordingly, the

1 See MPEP § 710.02(e) (III).  
2 See 37 C.F.R. § 1.211(e).

above-identified application became abandoned on November 12, 2009. A Notice of Abandonment was mailed on November 27, 2009.

#### ANALYSIS

Petitioner has alleged that the mailing was not received, as it was not properly mailed. The electronic file has been reviewed, and it is clear that a Revocation of Power of Attorney with Change of Correspondence Address that was properly executed by each of the two joint inventors was filed on May 18, 2009 (prevenient to the mailing of the Notice of Allowance and Issue Fee Due of August 11, 2009) and was not effectuated by the Office until May 17, 2010 (subsequent to the mailing of the Notice of Allowance and Issue Fee Due of August 11, 2009).

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the Notice of Allowance and Issue Fee Due of August 11, 2009 was not received.

Accordingly, the petition pursuant to 37 C.F.R. § 1.181(a) is GRANTED. The holding of abandonment is **WITHDRAWN**.

#### CONCLUSION

The Office of Patent Publication will be notified of this decision, and jurisdiction over this application is transferred to the Office of Patent Publication, so that this application can be processed into a patent.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by the Office of Patent Publication in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Office of Patent Publication where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.<sup>3</sup> All other inquiries

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<sup>3</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

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ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET, SUITE 1800  
ARLINGTON, VA 22209-3873

MAILED

FEB 05 2010

In re Application of :  
**Akio NAKAJIMA** : OFFICE OF PETITIONS  
Application No. 11/527,497 :  
Filed: September 27, 2006 : DECISION GRANTING PETITION  
Attorney Docket No. 1519.46650X00 : UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 4, 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 December 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.<sup>1</sup>***

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2186 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment and information disclosure statement.

/Monica A. Graves/  
Petitions Examiner, Office of Petitions

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<sup>1</sup> *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/527,506	09/27/2006	Katsumi Munenaka	03500.125505.	4708
5514	7590	07/12/2010	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			DOE, SHANTA G	
1290 Avenue of the Americas			ART UNIT	PAPER NUMBER
NEW YORK, NY 10104-3800			1797	
			MAIL DATE	DELIVERY MODE
			07/12/2010	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.



CST

July 12, 2010

In re application of	:	DECISION ON REQUEST TO
Katsumi Munenaka	:	PARTICIPATE IN PATENT
Serial No. 11/527,506	:	PROSECUTION HIGHWAY
Filed: September 27, 2006	:	PROGRAM AND
For: TEMPERATURE CONTROLLER	:	PETITION TO MAKE SPECIAL
FOR STRUCTURE	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program filed May 10, 2010.

The request and petition are **DISMISSED** as moot. Specifically, a Notice of Allowability was mailed in this application on June 10, 2010.

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, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
- b. An English translation of the allowable/ patentable claim(s), if applicable; and
- c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- a. Ensure 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); and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:
  - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
  - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
  - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:  
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
- c. A statement that the English translation is accurate;

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fail because:

(4) Examination of the U.S. application has begun. Specifically, note that a Notice of Allowability was mailed in this application on June 10, 2010

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

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>.

/Christine Tierney/

---

Christine Tierney  
Quality Assurance Specialist  
Technology Center 1700



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RABIN & Berdo, PC  
1101 14TH STREET, NW  
SUITE 500  
WASHINGTON, DC 20005

Mail Date: 04/21/2010

<b>Applicant</b>	: Makoto Kitamura	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7636530	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/527,542	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/27/2006	: 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/527,557	09/27/2006	Shinichiro Koto	297062US2SRD DIV	5845

7590 03/16/2009  
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

DASTOURI, MEHRDAD

ART UNIT PAPER NUMBER

2621

NOTIFICATION DATE DELIVERY MODE

03/16/2009

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.

*Mimi Farmer*  
Patent Publication Branch  
Office of Data Management

Refund Ref: 03/13/2009 0030067706

Adjustment date: 03/13/2009 NFARMER  
09/28/2006 LWONDIM1 00000070 11527557  
02 FC:1111 -500.00 OP

Credit Card Refund Total: \$500.00

Am Exp.: XXXXXXXXXXXX1004



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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
11/527,608	09/27/2006	1745	1000	SNY-101		20	1

CONFIRMATION NO. 3849

020374  
 KUBOVCIK & KUBOVCIK  
 SUITE 710  
 900 17TH STREET NW  
 WASHINGTON, DC 20006

## FILING RECEIPT



\*OC00000020837192\*

Date Mailed: 10/16/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Hidekazu Yamamoto, Kobe-shi, JAPAN;  
 Keiji Saisho, Kobe-shi, JAPAN;

## Power of Attorney:

Ronald Kubovcik-25401  
 Keiko Kubovcik-40428

## Domestic Priority data as claimed by applicant

## Foreign Applications

JAPAN 2005-281957 09/28/2005  
 JAPAN 2006-226679 08/23/2006

If Required, Foreign Filing License Granted: 10/13/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/527,608**

Projected Publication Date: 03/29/2007

Non-Publication Request: No

Early Publication Request: No

**Title**

Non-aqueous electrolyte secondary battery

**Preliminary Class**

429

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/527,612 09/27/2006 Shinichiro Koto 297078US-2SRD DIV 3842

7590 03/16/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

DASTOURI, MEHRDAD

ART UNIT PAPER NUMBER

2621

NOTIFICATION DATE DELIVERY MODE

03/16/2009

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

Mimi Farmer (Handwritten signature)

Refund Ref: 0030067709
03/16/2009

Adjustment date: 03/16/2009 NFARMER
09/28/2006 HDESTA1 00000060 11527612
03 FC:1111 -500.00 OP
05 FC:1201 -1000.00 OP

Credit Card Refund Total: \$1500.00

Am Exp.: XXXXXXXXXXXX1001



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/527,619 09/27/2006 Tatsuro Shimizu 296987US2 4320

7590 02/20/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

NGUYEN, HOA T

ART UNIT PAPER NUMBER

2627

NOTIFICATION DATE DELIVERY MODE

02/20/2009

ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 02/19/2009 BPOWELL
09/28/2006 RFEKADU1 00000085 11527619
02 FC:1111 -500.00 OP

Adjustment date: 02/19/2009 BPOWELL
09/28/2006 RFEKADU1 00000085 11527619
02 FC:1111 -500.00 OP

Refund Ref:

02/19/2009

0030066815

Credit Card Refund Total:

\$500.00

Am Exp.: XXXXXXXXXXXX1002



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/527,620 09/27/2006 Tatsuro Shimizu 296990US2 4317

7590 02/20/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

NGUYEN, HOA T

ART UNIT PAPER NUMBER

2627

NOTIFICATION DATE DELIVERY MODE

02/20/2009

ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Handwritten signature: Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 02/19/2009 BPOWELL
09728/2006 RFEKADU1 00000006 11527620
02 FC:1111 -500.00 0P

Refund Ref: 0030066821
02/19/2009

Credit Card Refund Total: \$500.00

Am Exp.: XXXXXXXXXXXX1001

Adjustment date: 02/19/2009 BPOWELL  
09/28/2006 RPERADD1 00000006 11527620  
02 FC:1111 -500.00 0P



# UNITED STATES PATENT AND TRADEMARK OFFICE

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BACON & THOMAS, PLLC  
625 SLATERS LANE  
FOURTH FLOOR  
ALEXANDRIA, VA 22314-1176

Mail Date: 05/04/2010

**Applicant** : Tseng-Lu Chien : DECISION ON REQUEST FOR  
**Patent Number** : 7611253 : RECALCULATION of PATENT  
**Issue Date** : 11/03/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/527,628 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/27/2006 : 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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Stolowitz Ford Cowger LLP  
621 SW Morrison St  
Suite 600  
Portland OR 97205

MAILED

JUN 05 2009

In re Application of :  
Huelsman, et al. :  
Application No. 11/527,637 :  
Filed: September 27, 2006 :  
Attorney Docket No. 9612-0015 :

OFFICE OF PETITIONS  
DECISION ON PETITION  
UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 22, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

**The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt**

**accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.**

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3230. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2129 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

  
Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions

**ATTACHMENT:** Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/527,637, 09/27/2006, 2129, 1382, 9612-0015, 16, 4

CONFIRMATION NO. 4064

CORRECTED FILING RECEIPT



73552
Stolowitz Ford Cowger LLP
621 SW Morrison St
Suite 600
Portland, OR 97205

Date Mailed: 06/04/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

David L. Huelsman, Reynoldsburg, OH;
Douglas M. Mair, Westerville, OH;

Power of Attorney: The patent practitioners associated with Customer Number 73552

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/721,089 09/28/2005
and is a CIP of 10/950,815 09/28/2004 PAT 7,552,102

Foreign Applications

If Required, Foreign Filing License Granted: 10/13/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/527,637

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

Rule processing method and apparatus providing exclude cover removal to simplify selection and/or conflict advice

**Preliminary Class**

706

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER****Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



**STOLOWITZ FORD COWGER LLP**  
**621 SW MORRISON ST**  
**SUITE 600**  
**PORTLAND OR 97205**

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**AUG 05 2009**

In re Application of : **OFFICE OF PETITIONS**  
Huelsman et al. :  
Application No. 11/527,638 :  
Filed: September 27, 2006 : **DECISION ON PETITION**  
Attorney Docket No. 9612-0016 : **UNDER 37 CFR 1.78(a)(3)**  
: **UNDER 37 CFR 1.78(a)(6)**

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed June 23, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The 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 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 Commissioner may require additional where there is a question whether the delay was unintentional.

The instant petition does not comply with item (1).

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.72(a)(2)(i) since the proper relationship, which

includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. See Manual of Patent Examining Procedure, 8th ed., August 2001), Section 201.11, Reference to First Application. The amendment filed June 23, 2009, fails to state the relationship of Application No. 10/101,154, filed March 20, 2002, to the instant application.

Accordingly, before the petition under 37 CFR § 1.78(a)(3) and 37 CFR § 1.78(a)(6) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) 37 CFR § 1.78(a)(6) and a substitute amendment<sup>1</sup> stating the relationship of the prior-filed application to the instant application is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Mail Stop PETITIONS  
                              Commissioner for Patents  
                              Post Office Box 1450  
                              Alexandria, VA 22313-1450

By hand:                   Customer Window located at:  
                              U.S. Patent and Trademark Office  
                              Customer Service Window Randolph Building  
                              401 Dulany Street  
                              Alexandria, VA 22314

By fax:                   (571) 273-8300  
                              ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

  
Liana Walsh  
Petitions Examiner  
Office of Petitions

---

<sup>1</sup> Note 37 CFR 1.121



**STOLOWITZ FORD COWGER LLP**  
**621 SW MORRISON ST**  
**SUITE 600**  
**PORTLAND OR 97205**

**MAILED**

SEP 30 2009

OFFICE OF PETITIONS

In re Application of	:
Huelsman et al.	:
Application No. 11/527,638	: DECISION GRANTING PETITION
Filed: September 27, 2006	: UNDER 37 CFR 1.78(a)(3) AND
Attorney Docket No. 9612-0016	: UNDER 37 CFR 1.78(a)(6)

This is a decision on the renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed August 31, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The instant application was filed on September 27, 2006 and was pending at the time of filing of the instant petition. A reference to the prior-filed applications has been included in an amendment to the first sentence of the specification following the title, as required by 37 CFR §§ 1.78(a)(2)(iii) and 1.78(a)(5)(iii).

Additionally, the intermediate nonprovisional application was filed within twelve months of provisional Application No. 60/278,655, which was filed on March 21, 2001, for which priority is claimed.

The instant nonprovisional application was filed after November 29, 2000, and the claim for priority herein is submitted after expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). See 35 U.S.C. § 120 and § 119(e). Accordingly, having found that the instant

petition satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) for acceptance of an unintentionally delayed claim for priority under 35 U.S.C. § 120 and § 119(e), the petition to accept an unintentionally delayed claim of benefit to the prior-filed applications is granted.

It is noted, however, that in the amendment to the specification submitted with the instant petition and the previous petition, the amendment to paragraph [002] reflects that present application as being a continuation-in-part of Application Nos. 10/101,154, filed March 20, 2002, and 10/101,154, filed March 20, 2002, again. Upon reviewing the original specification submitted upon filing, it is believed that the amendment should have reflected Application Nos. 10/101,154 and 10/101,151, and has been treated as such. If this is an incorrect interpretation, petitioner should notify the Office immediately.

***The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed applications. In order for the instant application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the 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 applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center Art Unit 2129 for appropriate action on the amendment submitted August 31, 2009, including consideration by the examiner of the claim under 35 U.S.C. § 120 and 37 CFR 1.78(a)(2) for the benefit of the prior-filed applications, and for consideration 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  
Petitions Examiner  
Office of Petitions

| ATTACHMENT: Corrected Filing Receipt



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/527,638, 09/27/2006, 2129, 2130, 9612-0016, 24, 7

CONFIRMATION NO. 4063

CORRECTED FILING RECEIPT



OC000000038034022

73552
Stolowitz Ford Cowger LLP
621 SW Morrison St
Suite 600
Portland, OR 97205

Date Mailed: 09/29/2009

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)

David L. Huelsman, Reynoldsburg, OH;
Douglas M. Mair, Westerville, OH;

Power of Attorney: The patent practitioners associated with Customer Number 73552

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/721,090 09/28/2005
and is a CIP of 10/101,154 03/20/2002 PAT 7,188,091
which claims benefit of 60/278,655 03/21/2001
This application 11/527,638
is a CIP of 10/101,151 03/20/2002 PAT 6,965,887

Foreign Applications

If Required, Foreign Filing License Granted: 10/13/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/527,638

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

Rule processing method and apparatus providing automatic user input selections

**Preliminary Class**

706

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER****Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/527,649	09/14/2006	Robert C. Hoffman	ARL 06-11	4800

21364 7590 09/21/2009  
U S ARMY RESEARCH LABORATORY  
ATTN: RDRL-LOC-I  
2800 POWDER MILL RD  
ADELPHI, MD 20783-1197

EXAMINER

TRA, TUYEN Q

ART UNIT PAPER NUMBER

2873

MAIL DATE DELIVERY MODE

09/21/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



U. S. ARMY RESEARCH LABORATORY  
ATTN: RDRL-LOC-I  
2800 POWDER MILL RD  
ADELPHI MD 20783-1197

In re Application of	:	
Hoffman, Robert C.	:	DECISION ON PETITION
Serial No.: 11/527649	:	UNDER 37 CFR 1.181
Filed: September 14, 2006	:	
For: ELECTRO-OPTIC SHUTTER	:	
	:	
	:	

The request filed on March 30, 2009, to restart the period for reply to the Notice of Non-Compliant Amendment of October 10, 2008 due to late receipt. The petition is being treated as a petition under 37 CFR 1.181 requesting acceptance of the amendment filed March 30, 2009 as being timely and withdrawal the Notice of Abandonment mailed July 21, 2009, is treated as a Petition.

The petition is Granted for the reasons as stated in the applicant's request filed on March 30, 2009.

The holding of abandonment is hereby withdrawn and the Notice of Abandonment mailed July 21, 2009 is vacated. The prosecution is reopened for consideration of the amendment filed March 30, 2009.

This application is being forwarded to the examiner for consideration of the amendment filed March 30, 2009 and for taking appropriate action consistent with this decision.

Any inquiry regarding this decision should be directed to Ricky Mack, Supervisory Patent Examiner, at (571) 272-2333.



John W. Cabeca, Director  
Technology Center 2800  
Semiconductors, Electrical & Optical  
Systems & Components



**OFFICE OF COUNSEL, 004  
NAVAL SURFACE WARFARE CENTER  
CARDEROCK DIVISION  
9500 MACARTHUR BOULEVARD  
WEST BETHESDA, MD 20817-5700**

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**JUN 21 2007**

**OFFICE OF PETITIONS**

In re Application of  
Sean M. Gallagher et al.  
Application No. 11/527,666  
Filed: September 18, 2006  
Attorney Docket No. 97,624

:  
:  
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:

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 2, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Scott R. Boalick, former attorney with Naval Surface Warfare Center.

Scott R. Boalick has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There are no outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

  
Frances Hicks  
Petitions Examiner  
Office of Petitions



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ARLINGTON VA 22203

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NOV 10 2008

In re Application of :  
Osumi, et al. :  
Application No. 11/527,705 : ON PETITION  
Filed: September 27, 2006 :  
Attorney Docket No. 2018-1496 :  
For: CONTROL DEVICE OF INTERNAL :  
COMBUSTION ENGINE :

This is a decision on the petition, filed September 12, 2008, requesting withdrawal of the holding of abandonment and in the alternative, revival under 37 CFR 1.137(b). The petitions will be treated under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**.

The petition under 37 CFR 1.137(b) is **DISMISSED AS MOOT**.

This application was held abandoned due to applicants' alleged failure to reply within an extendable one month period of time from the mailing of the September 12, 2007 Restriction Requirement. The Office contended that this application became abandoned on October 13, 2007. A Notice of Abandonment was mailed on September 5, 2008.

Petitioners assert that an election was timely received in the Office on October 12, 2007. In support of this assertion, petitioners have provided a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination date stamp, citing October 12, 2007 as the date of receipt, affixed thereto. The postcard lists that the filing included a response.

A return postcard receipt constitutes *prima facie* evidence that the item listed thereon was received in the Office on October 12, 2007. MPEP 503. Petitioners have provided a copy of the October 12, 2007 correspondence – an election. Accordingly, the petition to withdraw the holding of abandonment is granted.

After the mailing of this decision, the application file will be returned to Technology Center A.U. 3747 for consideration of the election filed on October 12, 2007 and resubmitted with the present petition on September 12, 2008.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

*Shirene Willis Brantley*  
Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



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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 : Yukiko Nakaya : DECISION ON REQUEST FOR  
Patent Number : 7630666 : RECALCULATION of PATENT  
Issue Date : 12/08/2009 : TERM ADJUSTMENT IN VIEW  
Application No : 11/527,726 : OF WYETH AND NOTICE OF INTENT TO  
Filed : 09/27/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **285** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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**MAR 28 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Robert C. Pittenger, et al. :  
Application No. 11/527,763 : DECISION GRANTING PETITION  
Filed: September 25, 2006 :  
Attorney Docket No. N0391.70005US01 :

This is a decision on the "Petition under 37 CFR 1.57" filed December 21, 2006, which will be treated as petition under 37 CFR 1.53.

On September 25, 2006, the application was deposited.

On October 16, 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 December 21, 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 composition 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 several claims 1 and 2 in the disclosure are method claims. 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 September 25, 2006.

The preliminary amendment filed December 21, 2006, is noted.

The application is being forwarded to the Office of Initial Patent Examination for issuance of a corrected filing receipt and for further processing with a filing date of September 25, 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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1221 NICOLLET AVENUE  
SUITE 800  
MINNEAPOLIS, MN 55403-2420

Mail Date: 04/21/2010

<b>Applicant</b>	: Alan E. Shluzas	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7658739	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/527,764	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/26/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **712** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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Robert D. Buyan, Stout, Uxa, Buyan & Mullins,  
LLP/Acclarent, Inc.  
4 Venture  
Suite 300  
Irvine, CA 92618

Mail Date: 07/20/2010

**Applicant** : Joshua Makower : DECISION ON REQUEST FOR  
**Patent Number** : 7648367 : RECALCULATION of PATENT  
**Issue Date** : 01/19/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/527,773 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/25/2006 : 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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By fax: (571) 273-0025  
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

**Ennis Young**  
For Mary Diggs  
Decisions & Certificates  
of Correction Branch  
(703) 756-1542 or (703) 756-1814



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**OFFICE OF PETITIONS**

In re Application of :  
Sefan NOTHUM, et al :  
Application No. 11/527,776 :  
Filed: September 25, 2006 :  
Attorney Docket No. OST-061199 :

ON PETITION

This is a decision on the petition, filed August 6, 2009, which is being treated as a request under 37 CFR 3.81(b)<sup>1</sup> to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is **DISMISSED**.

Petitioner states that the Assignee **Hansa Metallwerke AG**, was incorrect on Part B - Fee(s) Transmittal form at the time of payment of the issue fee. Accordingly, petitioner requests that the patent issue to **Eisenmann Anlagenbau GmbH & Co. KG**.

37 CFR 3.81(b), effective June 25, 2004, reads:

*After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

---

<sup>1</sup> See MPEP 1309, subsection II and Official Gazette of June 22, 2004

The request under 37 CFR 3.81(b) was not accompanied by a statement that the assignment was submitted for recordation before issuance of the patent. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

Inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735. Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.



Thurman K. Page  
Petitions Examiner  
Office of Petitions



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P.O. BOX 52050  
MINNEAPOLIS MN 55402

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CANCELLED  
MAR 30 2007  
OFFICE OF PETITIONS

In re Application of: :  
Kennedy et al. :  
Application No. 11/527785 :  
Filing or 371(c) Date: 09/27/2006 :  
Title of Invention: :  
BUFFER LAYERS FOR DEVICE :  
ISOLATION OF DEVICES GROWN :  
ON SILICON :

DECISION DISMISSING  
PETITION UNDER  
37 CFR 1.47(a)

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OFFICE OF PETITIONS

This Decision is in response to the "Petition for Filing Patent Application by Other that all Inventors Under 37 CFR 1.47(a), to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s).

The petition is dismissed.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under [insert the applicable code section]"; should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on September 27, 2006, without, a fully executed oath or declaration. The Office mailed a Notice to File Missing Parts of Nonprovisional Application, on October 18, 2006, requiring *inter alia*, a properly signed oath or declaration.

Applicant files the instant petition in response to the Notice, and asserts that the nonsigning inventor told Laura Bray that he was unwilling to execute any documents associated with this application. No statement from Ms. Bray has been provided.



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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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P.O. BOX 52050  
MINNEAPOLIS, MN 55402

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**JUN 29 2007**

In re Application of:	:	<b>OFFICE OF PETITIONS</b>
Hudait et al.	:	
Application No. 11/527785	:	DECISION DISMISSING
Filing or 371(c) Date: 09/27/2006	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
BUFFER LAYERS FOR DEVICE :	:	
ISOLATION OF DEVICES' GROWN :	:	
ON SILICON :	:	

This Decision is in response to the "Request for Reconsideration of Petition for Filing Patent Application by Other than all Inventor's Under 37 C.F.R. 1.47(A)," filed April 23, 2007. The petition is properly treated as a petition to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s).

The petition is **dismissed**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under [insert the applicable code section]"; should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on September 27, 2006, without, a fully executed oath or declaration. The Office mailed a Notice to File Missing Parts of Nonprovisional Application, on October 18, 2006, requiring *inter alia*, a properly signed oath or declaration.

The December 26, 2006 petition

Applicant filed a petition on December 26, 2006, wherein Applicant asserted that the nonsigning inventor told Laura Bray that he was unwilling to execute any documents associated with this application. No statement from Ms. Bray was included with the petition.

The March 30, 2007 Decision

The petition was dismissed in a Decision mailed march 30, 2007. The Decision stated that

Applicant must present a copy of the application papers to the nonsigning inventor, and 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 refusal was made.

The present request for reconsideration

Applicant files the present request for reconsideration of petition and includes a statement from Ms. Laura Bray attesting to the mailing of the application to the nonsigning inventor on or about January 3, 2007.

Upon review of the oath/declaration prior to concluding the Decision, it was noted that inventor Hudait altered the oath/declaration; however, the alterations were not initialed or dated.

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) set forth above.

37 CFR 1.52(c) states:

(1) Any interlineation, erasure, cancellation or other alteration of the application papers filed must be made before the signing of any accompanying oath or declaration pursuant to § 1.63 referring to those application papers and should be dated and initialed or signed by the applicant on the same sheet of paper.

Further to this, the MPEP 605.04(a)(I) states

Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration.

The oath/declaration is unacceptable because of alterations which have not been initialed and/or dated as is required by 37 CFR 1.52(c). A properly executed oath or declaration which complies with 37 CFR 1.67(a) and identifies the application by application number and filing date is required.

As to item (2), an oath or declaration in compliance with 37 CFR 1.63 is required.

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

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                                 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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OCT 25 2007

**OFFICE OF PETITIONS**

In re Application of:	:	
Hudait et al.	:	
Application No. 11/527785	:	DECISION GRANTING
Filing or 371(c) Date: 09/27/2006	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
BUFFER LAYERS FOR DEVICE	:	
ISOLATION OF DEVICES GROWN	:	
ON SILICON	:	

This Decision is in response to the "Request for Reconsideration of Petition for Filing Patent Application by Other than all Inventor's Under 37 C.F.R. 1.47(A)," filed August 30, 2007. The petition is properly treated as a petition 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, Mohamed A. Shaheen, refuses to join in the application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being referred to the Office of Initial Patent Examination for continued processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

  
Derek L. Woods  
Attorney  
Office of Petitions



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MR. MOHAMAD A. SHAHEEN  
15060 NW FAWN LILY DRIVE  
PORTLAND, OR 97229

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**OCT 25 2007**

**OFFICE OF PETITIONS**

In re Application of: :  
Hudait et al. :  
Application No. 11/527785 : LETTER  
Filing or 371(c) Date: 09/27/2006 :  
Title of Invention: :  
BUFFER LAYERS FOR DEVICE :  
ISOLATION OF DEVICES GROWN :  
ON SILICON :

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 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: LEE & HAYES, PLLC  
c/o PORTFOLIOIP  
P.O. BOX 52050  
MINNEAPOLIS, MN 55402



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**Kokka & Backus, PC**  
200 Page Mill Road  
Suite 103  
Palo Alto, CA 94306

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OCT 01 2008

**OFFICE OF PETITIONS**

In re Application of :  
Kerry Sheldon Harris :  
Application No. 11/527,788 : **DECISION ON PETITION**  
Filed: September 26, 2006 : **TO WITHDRAW**  
Attorney Docket No. ACS-001CIP1 : **FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed June 27, 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 Scott S. Kokka, on behalf of all attorneys/agents associated with customer number 53830. All attorneys/agents associated with customer number 53830 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: Kerry Harris  
IHT Technology, Inc.  
7715 Mainland Road, Suite 115  
San Antonio, TX 78250



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/527,788	09/26/2006	Kerry Sheldon Harris	ACS-001CIP1

CONFIRMATION NO. 5331

POWER OF ATTORNEY NOTICE



53830  
KOKKA & BACKUS, PC  
200 PAGE MILL ROAD  
SUITE 103  
PALO ALTO, CA 94306

Date Mailed: 10/01/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/27/2008.

- 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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**KOKKA & BACKUS, PC  
200 PAGE MILL ROAD  
SUITE 103  
PALO ALTO CA 94306**

**MAILED**

**JUN 22 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Kerry Sheldon Harris :  
Application No. 11/527,788 :  
Filed: September 26, 2006 :  
Attorney Docket No. KHA-001CIP1 :

**DECISION ON  
PETITION TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 4, 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 Scott S. Kokka on behalf of attorney/agents associated with customer number 53830. All attorneys/agents associated with customer number 53830 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.

The power of attorney was filed on May 13, 2009 is not acceptable. Compliance with 37 CFR 3.73(b) has not been satisfied.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

  
Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Kerry Sheldon Harris  
7715 Mainland Road, Suite 115  
San Antonio, TX 78250



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/527,788	09/26/2006	Kerry Sheldon Harris	

53830  
KOKKA & BACKUS, PC  
200 PAGE MILL ROAD  
SUITE 103  
PALO ALTO, CA 94306

**CONFIRMATION NO. 5331**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 06/22/2009

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 05/04/2009.

- 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



Morrison & Foerster LLP  
425 Market Street  
San Francisco, CA 94105-2482

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**JAN 10 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Y. P. Cheng :  
Application No. 11/527,793 :  
Filed: September 26, 2006 :  
Attorney Docket No. 544152000101 :

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 31, 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 Katherine D. Lee on behalf of all attorneys of record who are associated with Customer No. 20872.

All attorneys/agents associated with the Customer No. 20872 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. All future communications from the Office will be directed to the 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: **Y.P. Cheng**  
Peninsula Centre  
67 Mody Road  
Room 1201  
Tsimshatsui East Kowloon  
Hong Kong, China

cc: **GOLDPEX TECHNOLOGY LTD.**  
98 Granville Road, Room 901  
East Ocean Centre  
Tsimshatsui East Kowloon  
People's Republic of China



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XILINX, INC  
ATTN: LEGAL DEPARTMENT  
2100 LOGIC DR  
SAN JOSE, CA 95124

Mail Date: 05/11/2010

**Applicant** : Hemang Maheshkumar Parekh : DECISION ON REQUEST FOR  
**Patent Number** : 7669017 : RECALCULATION of PATENT  
**Issue Date** : 02/23/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/527,802 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/27/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **468** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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EDWARD R. ERGENZINER  
ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE NC 28280-4000

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**MAR 14 2007**

**OFFICE OF PETITIONS**

In re Application of	:	
Stuart W. Hoffman, et al	:	
Application No. 11/527,816	:	DECISION ON PETITION
Filed: September 27, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 007157/317355	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 6, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes an affidavit by applicant Donald G. Stein. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1617 for action on the merits commensurate with this decision.

*April Wise*  
April Wise  
Petitions Examiner  
Office of Petitions



**ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE, NC 28280-4000**

**COPY MAILED**

**JUL 10 2008**

In re Application of :  
Stuart W. Hoffman et al :  
Application No. 11/527,816 :  
Filed: September 27, 2006 :  
Attorney Docket No. 007157/317355 :

**OFFICE OF PETITIONS**

**ON PETITION**

This is a decision on the petition, filed July 8, 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 May 8, 2008 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>**

The instant petition under 37 CFR 1.313(c)(2), the RCE and the IDS, filed on July 8, 2008, are not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Renee Leveque appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party in whose behalf she act. However, if Ms. Leveque desires to receive correspondence regarding this file, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision is being mailed to Ms. Leveque, the petitioner herein. Until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

---

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

The file is being referred to Technology Center Art Unit 1617 for processing of the request for continued examination under 37 CFR 1.114 filed July 8, 2008.

A handwritten signature in cursive script that reads "Karen Creasy".

Karen Creasy  
Petitions Examiner  
Office of Petitions

cc:  
LEVEQUE INTELLECTUAL PROPERTY LAW, P.C.  
221 EAST CHURCH STREET  
FREDERICK, MARYLAND 21701



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/527,816	09/27/2006	Stuart W. Hoffman	007157/317355

**CONFIRMATION NO. 5090**

**IMPROPER CPOA LETTER**



826  
ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE, NC 28280-4000

Date Mailed: 07/09/2008

**NOTICE REGARDING POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 07/08/2008. The Power of Attorney in this application is not accepted for the reason(s) listed below:

- The Power of Attorney is from an assignee and the Certificate required by 37 CFR 3.73(b) has not been received.

/kocreasy/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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BRINKS HOFER GILSON & LIONE/CHICAGO/COOK  
PO BOX 10395  
CHICAGO, IL 60610

Mail Date: 04/21/2010

**Applicant** : David F. Waller : DECISION ON REQUEST FOR  
**Patent Number** : 7640714 : RECALCULATION of PATENT  
**Issue Date** : 01/05/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/527,821 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/27/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **356** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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PAULY, DEVRIES SMITH & DEFFNER, L.L.C.  
Plaza VII-Suite 3000  
45 South Seventh Street  
MINNEAPOLIS, MN 55402-1630

Mail Date: 04/21/2010

<b>Applicant</b>	: Bryce D. Devine	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7625439	: RECALCULATION of PATENT
<b>Issue Date</b>	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/527,825	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/27/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **176** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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  
2465 E. BAYSHORE ROAD  
SUITE NO. 406  
PALO ALTO, CA 94303

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**AUG 18 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Jerome Pralong, et al. :  
Application No. 11/527,840 :  
Filed: September 27, 2006 :  
Attorney Docket No. 3835P :

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 12, 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 26, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 1642.

  
April M. Wise  
Petitions Examiner  
Office of Petitions

cc: SCHWEGMAN, LUNDENGERG &  
WOESSNER / AMTEL  
PO BOX 2938  
MINNEAPOLIS, MN 55402



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KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

Mail Date: 05/25/2010

**Applicant** : Steven F. Bierman : DECISION ON REQUEST FOR  
**Patent Number** : 7635355 : RECALCULATION of PATENT  
**Issue Date** : 12/22/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/527,904 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/26/2006 : 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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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/527,909 09/27/2006 Ronald Sanborn 200601088-1 5701

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

GAFFIN, JEFFREY A

ART UNIT PAPER NUMBER

2165

NOTIFICATION DATE DELIVERY MODE

04/22/2008

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.

Patent Publication Branch
Office of Data Management

Adjustment date: 04/21/2008 DIERRY 11527909
09/29/2006 CCHAUI 00000006 082025
02 FC:1111 500.00 CR
04 FC:1202 500.00 CR



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/527,909	09/27/2006	Ronald Sanborn	200601088-1	5701

22879 7590 04/22/2008  
HEWLETT PACKARD COMPANY  
P O BOX 272400, 3404 E. HARMONY ROAD  
INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER

GAFFIN, JEFFREY A

ART UNIT PAPER NUMBER

2165

NOTIFICATION DATE DELIVERY MODE

04/22/2008

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):

JERRY.SHORMA@HP.COM  
mkraft@hp.com  
ipa.mail@hp.com



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HONEYWELL INTERNATIONAL INC.  
PATENT SERVICES  
101 COLUMBIA ROAD  
P O BOX 2245  
MORRISTOWN, NJ 07962-2245

Mail Date: 04/21/2010

<b>Applicant</b>	: Brian D. Arvidson	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7622405	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/527,924	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/26/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **243** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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XILINX, INC  
ATTN: LEGAL DEPARTMENT  
2100 LOGIC DR  
SAN JOSE, CA 95124

Mail Date: 05/14/2010

**Applicant** : Cameron D. Patterson : DECISION ON REQUEST FOR  
**Patent Number** : 7669168 : RECALCULATION of PATENT  
**Issue Date** : 02/23/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/527,963 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/27/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **385** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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HOLLAND & KNIGHT LLP  
10 ST. JAMES AVENUE  
BOSTON MA 02116

**COPY MAILED**

**JAN 16 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Rojas :  
Application No. 11/527,968 : ON PETITION  
Filed: September 26, 2006 :  
Attorney Docket No. 107879.00001 :  
For: PATIENT COOLING SYSTEM AND :  
METHOD :

This is a decision on the petition under 37 CFR 1.10(c), filed October 26, 2006 (certificate of mailing date October 23, 2006), requesting that the above-identified application be accorded a filing date of September 27, 2006, rather than the presently accorded filing date of September 26, 2006.

The petition under 37 CFR 1.10(c) is **dismissed**.

Petitioner contends that the above-identified application was deposited in the United States Postal Service (USPS) Express Mail service on September 27, 2006 and accordingly request a September 27, 2006 filing date for the application.

Unfortunately, the customer copy of Express Mail Receipt no. EL837213408US is missing from the petition. The petition cannot be properly evaluated without the customer copy of Express Mail Receipt no. EL837213408US.

Please submit another copy of Express Mail Receipt no. EL837213408US and a reconsideration Rule 10(c) petition within two months of the mail date of this decision. No petition fee has been or will be charged in connection with this Rule 10(c) petition.

Further correspondence with respect to this matter should be addressed as follows:

**By mail:** Mail Stop PETITION  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

**By hand:** U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petition  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**By FAX:** (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3230.

  
Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions

---



HOLLAND & KNIGHT LLP  
10 ST. JAMES AVENUE  
BOSTON MA 02116

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APR 12 2007

**OFFICE OF PETITIONS**

In re Application of :  
Rojas :  
Application No. 11/527,968 :  
Filed: September 26, 2006 :  
Attorney Docket No. 107879.00001 :  
For: PATIENT COOLING SYSTEM AND :  
METHOD :

ON PETITION

This is a decision on the petition under 37 CFR 1.10(d), filed March 6, 2007 (certificate of mailing date March 1, 2007), requesting that the above-identified application be accorded a filing date of September 27, 2006, rather than the presently accorded filing date of September 26, 2006.

The petition under 37 CFR 1.10(d) is **granted**.

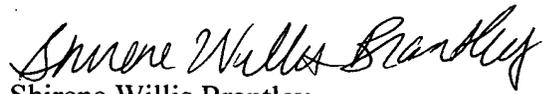
Petitioner contends that the above-identified application was deposited in the United States Postal Service (USPS) Express Mail service on September 27, 2006 and accordingly request a September 27, 2006 filing date for the application.

While the copy of the Express Mail label receipt No. EL837213408US bears a handwritten "date-in" of 9/26/06, it also includes a USPS receipt date stamp of SEP 27 2006. Petitioner is alleging that the date of mailing shown in the "date-in" is a U. S. Postal Service (USPS) error and the correct date of mailing pursuant to 37 CFR 1.10 is September 27, 2006. The same Express Mail label number also appears on the original application transmittal letter of record in the file.

The evidence presented is convincing that the Express Mail package was entrusted to the USPS on September 27, 2006, as shown by the USPS stamped receipt date. Accordingly, this application is entitled to a filing date of September 27, 2006, and has been so accorded.

This application file is being referred to the Office of Initial Patent Examination (OIPE) for **correction of the filing date to September 27, 2006 and for issuance of a corrected filing receipt.**

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3230. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.



Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



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BRAKE HUGHES BELLERMANN LLP  
c/o CPA Global  
P.O. Box 52050  
Minneapolis, MN 55402

Mail Date: 04/20/2010

<b>Applicant</b>	: Steven D. Hall	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7630331	: RECALCULATION of PATENT
<b>Issue Date</b>	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/527,982	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/27/2006	: 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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BRAKE HUGHES BELLERMANN LLP  
c/o CPA Global  
P.O. Box 52050  
Minneapolis, MN 55402

Mail Date: 05/17/2010

<b>Applicant</b>	: Steven D. Hall	: NOTICE CONCERNING IMPROPER
<b>Patent Number</b>	: 7630331	: CALCULATION OF PATENT TERM
<b>Issue Date</b>	: 12/08/2009	: ADJUSTMENT BASED UPON USPTO
<b>Application No</b>	: 11/527,982	: IMPROPERLY MEASURING REDUCTION
<b>Filed</b>	: 09/27/2006	: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **634** 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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RODMAN RODMAN  
10 STEWART PLACE  
SUITE 2CE  
WHITE PLAINS, NY 10603

Mail Date: 04/28/2010

Applicant : Wei Li : DECISION ON REQUEST FOR  
Patent Number : 7663757 : RECALCULATION of PATENT  
Issue Date : 02/16/2010 : TERM ADJUSTMENT IN VIEW  
Application No : 11/527,993 : OF WYETH AND NOTICE OF INTENT TO  
Filed : 09/27/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **421** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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BUHLER ASSOCIATES  
BUHLER, KIRK A.  
1101 CALIFORNIA AVE.  
SUITE 208  
CORONA CA 92881

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**AUG 03 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
Mary A. Clair	:	
Application No. 11/528,007	:	DECISION ON PETITION
Filed: September 28, 2006	:	TO WITHDRAW
Attorney Docket No. MC01-01-U	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed January 14, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Kirk A. Buhler on behalf of all attorneys of record who are associated with Customer No. 37038.

All attorneys/agents associated with the Customer No. 37038 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 Mary A. Clair at the address list listed in the request.

There is an outstanding Office action mailed November 20, 2008, that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke  
Petitions Examiner  
Office of Petitions

cc: Mary A. Clair  
P.O. Box 444  
Nisswa, MN 56468



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/528,007	09/28/2006	Mary A. Clair	MC01-01U

37038  
BUHLER ASSOCIATES  
BUHLER, KIRK A.  
1101 CALIFORNIA AVE.  
SUITE 208  
CORONA, CA 92881

**CONFIRMATION NO. 6121**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 07/30/2009

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 01/14/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



JOHN S. PRATT - 38949  
KILPATRICK STOCKTON LLP  
1100 PEACHTREE STREET  
SUITE 2800  
ATLANTA, GA 30309

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**JUN 17 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
Kirk Vlastakis, et al.	:	
Application No. 11/528,032	:	DECISION DISMISSING PETITION
Filed: September 27, 2006	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 38949/335365	:	

This is a decision on the petition, filed May 7, 2009, which is being treated under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) 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). In this regard, the reference to add the above-noted, prior-filed applications in the first sentence of the specification on page one following the title is

not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See Dart Industries v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matter is required.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

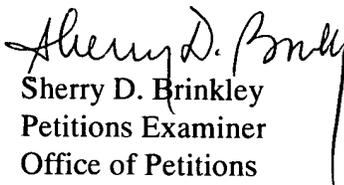
By mail:                    Mail Stop PETITIONS  
                                  Commissioner for Patents  
                                  Post Office Box 1450  
                                  Alexandria, VA 22313-1450

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<sup>1</sup>

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

<sup>1</sup> [www.uspto.gov/efc/efs\\_help.html](http://www.uspto.gov/efc/efs_help.html) (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



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JOHN S. PRATT - 38949  
KILPATRICK STOCKTON LLP  
1100 PEACHTREE STREET  
SUITE 2800  
ATLANTA GA 30309

**MAILED**  
OCT 27 2009  
OFFICE OF PETITIONS

In re Application of	:	
Kirk Vlastakis, et al.	:	DECISION ON PETITION
Application No. 11/528,032	:	UNDER 37 CFR 1.78(a)(3) AND
Filed: September 27, 2006	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 38949/335365	:	

This is a decision on the renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed July 6, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

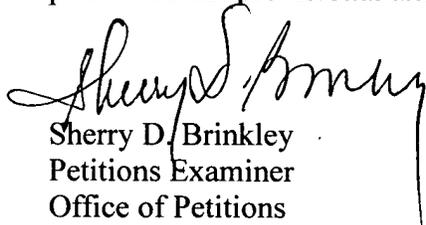
All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

**The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.**

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3651 for consideration by the examiner of the claim under 35 U.S.C. § 120 and 119(e) of the prior-filed nonprovisional and provisional applications.



Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

**ATTACHMENT : Corrected Filing Receipt**



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/528,032, 09/27/2006, 3651, 1130, 38949/335365, 7, 1

CONFIRMATION NO. 6666

CORRECTED FILING RECEIPT



64716
JOHN S. PRATT - 38949
KILPATRICK STOCKTON LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

Date Mailed: 10/22/2009

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)

Kirk Vlastakis, Clemmons, NC;
Roger Miller, East Bend, NC;
Thomas A. Lockwood, Clemmons, NC;

Power of Attorney: The patent practitioners associated with Customer Number 64716

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/720,823 09/27/2005
and is a CIP of 10/967,811 10/18/2004
which claims benefit of 60/512,454 10/17/2003
This application 11/528,032
is a CIP of 11/409,885 04/24/2006
which claims benefit of 60/674,880 04/25/2005

Foreign Applications

If Required, Foreign Filing License Granted: 10/16/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/528,032

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

**Title**

THEFT DETERRENT SYSTEM

**Preliminary Class**

221

**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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JOHN S. PRATT - 38949  
KILPATRICK STOCKTON LLP  
1100 PEACHTREE STREET  
SUITE 2800  
ATLANTA, GA 30309

Mail Date: 04/21/2010

**Applicant** : Kirk Vlastakis : DECISION ON REQUEST FOR  
**Patent Number** : 7641072 : RECALCULATION of PATENT  
**Issue Date** : 01/05/2010 : TERM ADJUSTMENT IN VIEW  
**Appliction No** : 11/528,032 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/27/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **302** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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SHIMOKAJI & ASSOCIATES, P.C.  
8911 RESEARCH DRIVE  
IRVINE CA 92618

MAIL

JUL 08 2008

DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600

In re Application of	:	
NOMIYAMA, HIROSHI, et al.	:	DECISION ON REQUEST TO
Application No. 11/528,045	:	PARTICIPATE IN PATENT
Filed: September 26, 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. JP920050096US1	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 20, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

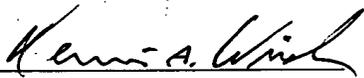
- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.



Kenneth Wieder  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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MICHAEL BEST & FRIEDRICH LLP  
100 EAST WISCONSIN AVENUE  
SUITE 3300  
MILWAUKEE, WI 53202

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NOV 25 2009

OFFICE OF PETITIONS

In re Application of :  
Evan A. Gordon et al :  
Application No. 11/528,049 :  
Filed: September 26, 2006 :  
Attorney Docket No. 025818-9126-US01 :

ON PETITION

This is a decision on the petition, filed November 24, 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 October 16, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3664 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

---

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



**ROCKWELL, COLLINS, INC.**  
**Attention: Kyle Eppel**  
**M/S 124-323**  
**400 Collins Road, NE**  
**Cedar Rapids, IA 52498**

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**MAY 30 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Thomas A. Courtade et al. :  
Application No. 11/528,058 : **DECISION ON PETITION**  
Filed: September 27, 2006 :  
Attorney Docket No. 05CR530/KE :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 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 May 21, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 22, 2007. A Notice of Abandonment was mailed on January 7, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment after non-final, (2) the petition fee of \$1540, and (3) a proper statement of unintentional delay. Accordingly the amendment is being 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 3662 for appropriate action by the Examiner in the normal course of business on the reply received March 18, 2008.

Carl Friedman  
Petitions Examiner  
Office of Petitions



COOPER & DUNHAM, LLP  
30 ROCKEFELLER PLAZA, 20<sup>TH</sup> FLOOR  
NEW YORK, NY 10112

**MAILED**  
JUL 19 2010  
**OFFICE OF PETITIONS**

In re Application of :  
**Randy PRAGER, et al.** :  
Application No. 11/528,070 : DECISION GRANTING PETITION  
Filed: September 26, 2006 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. **1584/65397-A** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 16, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on February 12, 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.<sup>1</sup>***

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2156 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/  
Petitions Examiner, Office of Petitions

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<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK  
600 SOUTH AVENUE WEST  
WESTFIELD NJ 07090

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JUN 11 2007

**OFFICE OF PETITIONS**

In re Application of :  
Musikant, Deutsch, Rasmick, and :  
Gu : DECISION ACCORDING STATUS  
Application No. 11/528083 : UNDER 37 CFR 1.47(a)  
Filed: 09/27/2006 :  
Atty Docket No. ESSEN 3.0-021 :

This is in response to the petition filed under 37 CFR 1.47(a) on 9 April, 2007.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor could not be located despite diligent efforts. Specifically, petitioners have shown that a copy of the application papers was sent to the non-signing inventor, but was returned as undeliverable. An e-mail was also sent to the non-signing inventor which included a copy of the application, but no response was received. As such, petitioners have shown that despite diligent efforts, the non-signing inventor could not be located.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

The application is being referred to Technology Center Art Unit 3732 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



Quan Gu  
274A Fuller Drive  
New Milford NJ 07646

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JUN 11 2007

**OFFICE OF PETITIONS**

In re Application of  
Musikant et al.  
Application No. 11/528,083  
Filed: 27 September, 2006  
For: PRE-COATED ROOT CANAL FILLING POINT

Dear Dr. Gu:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLINK, LLP  
600 SOUTH AVENUE WEST  
WESTFIELD NJ 07090



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SAWYER LAW GROUP LLP  
P.O. BOX 51418  
PALO ALTO, CA 94303

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MAY 22 2008

**OFFICE OF PETITIONS**

In re Application of

**MERANDAT**, et al.

Application No. 11/528,095

Filed: September 27, 2006

Attorney Docket No. **2800.747US1**

:  
:  
:  
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:  
:

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 3, 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 May 12, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 7253.

Monica A. Graves  
Petitions Examiner  
Office of Petitions

cc: **SCHWEGMAN, LUNDBERG & WOESSNER / ATMEL**  
**P.O. BOX 2938**  
**MINNEAPOLIS, MN 55402**



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KRUMHOLZ & MENTLIK  
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WESTFIELD NJ 07090

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**JAN 22 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Musikant, et al. : DECISION REFUSING STATUS  
Application No. 11/528,096 : UNDER 37 CFR 1.47(a)  
Filed: September 27, 2006 :  
Atty. Dkt. No.: ESSEN 3.0-024 :  
For: EPOXY BASED OIL FREE ROOT :  
CANAL SEALER :

This decision is in response to the petition under 37 CFR 1.47(a) filed December 18, 2006.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Petitioners are given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted herein. The reply under 37 CFR 1.47(a) may include an oath or declaration executed by the non-signing inventors. Any extensions of time will be governed by 37 CFR 1.136(a).

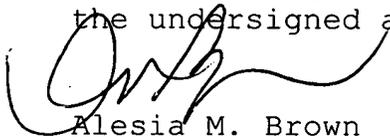
The above-identified application was filed without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application (Notice) was mailed October 16, 2006. The Notice required, *inter alia*, a surcharge and an executed oath or declaration.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.



Mail Stop Petition  
Randolph Building  
401 Dulaney Street  
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to  
the undersigned at (571) 272-3205.



Alesia M. Brown  
Petitions Attorney  
Office of Petitions



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ORRICK, HERRINGTON & SUTCLIFFE, LLP  
IP PROSECUTION DEPARTMENT  
4 PARK PLAZA, SUITE 1600  
IRVINE, CA 92614-2558

MAILED  
JUN 21 2010  
OFFICE OF PETITIONS

In re Application of :  
**Michael L. REO**, et al. :  
Application No. 11/528,099 : DECISION GRANTING PETITION  
Filed: September 27, 2006 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. **14591.4021** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 18, 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 April 9, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 3775 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/  
Petitions Examiner, Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

Mail Date: 05/25/2010

**Applicant** : Peter Godlewski : DECISION ON REQUEST FOR  
**Patent Number** : 7650298 : RECALCULATION of PATENT  
**Issue Date** : 01/19/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/528,104 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/27/2006 : 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.



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Morristown, NJ 07962-2245

Mail Date: 04/20/2010

**Applicant** : William L. Grilliot : DECISION ON REQUEST FOR  
**Patent Number** : 7665153 : RECALCULATION of PATENT  
**Issue Date** : 02/23/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/528,115 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/27/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **91** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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Patent Services  
101 Columbia Road  
Morristown, NJ 07962-2245

Mail Date: 04/20/2010

<b>Applicant</b>	: William L. Grilliot	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7665153	: RECALCULATION of PATENT
<b>Issue Date</b>	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/528,115	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/27/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **91** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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LUEDEKA, NEELY & GRAHAM, P.C.  
P O BOX 1871  
KNOXVILLE, TN 37901

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SEP 29 2009

**OFFICE OF PETITIONS**

In re Application of	:	
Cheryl Bartley	:	DECISION ON PETITION
Application No. 11/528,120	:	TO WITHDRAW
Filed: September 27, 2006	:	FROM RECORD
Attorney Docket No. 60993.US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 28, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Michael J. Bradford on behalf of all attorneys of record however the request does not include a Customer Number. Accordingly, since the practitioners were appointed by a Customer Number upon filing of the instant application, the Request must reflect withdrawal of practitioners associated with same Customer Number.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
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**LUEDEKA, NEELY & GRAHAM, P.C.**  
**P O BOX 1871**  
**KNOXVILLE, TN 37901**

**MAILED**  
NOV 19 2009  
OFFICE OF PETITIONS

In re Application of :  
Cheryl Bartley : **DECISION ON PETITION**  
Application No. 11/528,120 : **TO WITHDRAW**  
Filed: September 27, 2006 : **FROM RECORD**  
Attorney Docket No. 60993.US :

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 2, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Michael J. Bradford, on behalf of all practitioners of record who are associated with Customer Number 00408.

All attorneys/agents associated with the Customer Number 00408 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A handwritten signature in black ink, appearing to read "A. Kelley", with a long, sweeping flourish extending to the right.

Alicia Kelley  
Petitions Examiner  
Office of Petitions

cc: CHERYL BARTLEY  
7926 CONNER ROAD  
POWELL, TN 37849



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/528,120	09/27/2006	Cheryl Bartley	

408  
LUEDEKA, NEELY & GRAHAM, P.C.  
P O BOX 1871  
KNOXVILLE, TN 37901

**CONFIRMATION NO. 5890**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 11/16/2009

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 10/02/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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COHEN, PONTANI, LIEBERMAN & PAVANE LLP  
551 FIFTH AVENUE  
SUITE 1210  
NEW YORK NY 10176

**MAILED**

**JUN 18 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Knopp et al.	:	ON APPLICATION FOR
Application No. 11/528,142	:	PATENT TERM ADJUSTMENT
Filed: September 27, 2006	:	
Attorney Docket No. 5251-21	:	
For: Spring System	:	

This is in response to the petition filed December 3, 2009, which is being treated under 37 CFR 1.705(b).

The request for review of the patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is three hundred twenty-six (326) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On October 30, 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 four hundred twenty-one (421) days.

A review of the application history reveals that applicants should have been assessed a delay of ninety-two (92) and three (3) days.

37 CFR §1.704(b) provides:

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.

In the first instance, the reply to the Notice to File Missing Parts was not received until April 19, 2007, 92 days after the three months from the mailing of the Notice to File Missing Parts. The reduction is based upon, the number of days in excess of three months that was taken to reply to the January 17, 2007 Notice.

Further review of the record shows that a reduction of 3 days for the submission of reply on April 24, 2009 is warranted. The reduction is based upon, the number of days in excess of three months that was taken to reply to the January 21, 2009 Office action.

Applicants delay totals 95 (92 + 3) days. Office delay totals 421 days.

In view thereof, the correct determination of PTA at the time of the mailing of the notice of allowance is three hundred twenty-six (326) days.

The \$200.00 petition fee set forth in 37 CFR 1.18(e) has been assessed from deposit account no. 03-2412. No additional fees are required.

The application is being forwarded to the Office of Data Management for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

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).

Telephone inquiries specific to this matter should be directed to the Petitions Attorney Charlema Grant at (571) 272-3215.



Anthony Knight  
Director  
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

# PALM INTRANET

PTA Calculations for Application: 11/528142			
Application Filing Date:	09/27/2006	PTO Delay (PTO):	421
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	326
PTO Delay Adjustment:	-95		

File Contents History					
Number	Date	Contents Description	PTO	APPL	START
53	06/17/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		95	
45	10/30/2009	MAIL NOTICE OF ALLOWANCE			
44	10/28/2009	ISSUE REVISION COMPLETED			
43	10/28/2009	DOCUMENT VERIFICATION			
42	10/28/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
41	10/26/2009	NOTICE OF ALLOWABILITY			
40	10/20/2009	DATE FORWARDED TO EXAMINER			
39	10/15/2009	AMENDMENT AFTER FINAL REJECTION			
38	07/16/2009	MAIL FINAL REJECTION (PTOL - 326)			
37	07/15/2009	FINAL REJECTION			
36	05/21/2009	DATE FORWARDED TO EXAMINER			
35	04/21/2009	RESPONSE AFTER NON-FINAL ACTION			
34	01/21/2009	MAIL NON-FINAL REJECTION	421		-1
33	01/16/2009	NON-FINAL REJECTION			
27	04/19/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
26	04/21/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
25	10/06/2008	CASE DOCKETED TO EXAMINER IN GAU			
24	04/21/2008	REFERENCE CAPTURE ON IDS			
23	04/21/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
22	04/21/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21	10/17/2007	WITHDRAW FLAGGED FOR 5/25			
20	10/16/2007	FLAGGED FOR 5/25			

19	08/16/2007	PG-PUB ISSUE NOTIFICATION			
18	07/26/2007	CASE DOCKETED TO EXAMINER IN GAU			
17	06/29/2007	TRANSFER INQUIRY TO GAU			
16	06/16/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
15	04/19/2007	REFERENCE CAPTURE ON IDS			
14	04/19/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	01/04/2007	CORRECTED FILING RECEIPT			
12	09/27/2006	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
11	04/19/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	05/15/2007	APPLICATION DISPATCHED FROM OIPE			
9	05/10/2007	SENT TO CLASSIFICATION CONTRACTOR			
8	05/10/2007	APPLICATION IS NOW COMPLETE			
7	04/19/2007	ADDITIONAL APPLICATION FILING FEES			
6	04/19/2007	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	01/10/2007	CORRESPONDENCE ADDRESS CHANGE			
3	10/07/2006	CLEARED BY OIPE CSR			
2	10/04/2006	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	09/27/2006	INITIAL EXAM TEAM NN			

Search Another: Application#

**EXPLANATION OF PTA CALCULATION**

**EXPLANATION OF PTE CALCULATION**

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PERKINS COIE LLP  
PATENT-SEA  
P.O. BOX 1247  
SEATTLE WA 98111-1247

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In re Application of	:	
Mitchell LEVINSON et al.	:	
Application No. 11/528,189	:	DECISION ON PETITION
Filed: September 26, 2006	:	TO MAKE SPECIAL
Attorney Docket No. 579688006US	:	37 CFR 1.102
	:	

This is a decision on the petition under 37 CFR 1.102 filed December 23, 2009, the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009, in which the applicant has established small entity status under 37 CFR 1.27;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

b) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Anthony Knight at 571-272-3687.

All other inquires 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 3769 for action on the merits commensurate with this decision.



Anthony Knight  
Supervisory Petitions Examiner  
Office of Petitions



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WILLIAM COLLARD  
COLLARD & ROE, P.C.  
1077 NORTHERN BOULEVARD  
ROSLYN NY 11576

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**OFFICE OF PETITIONS**

In re Application of	:	
Arnold Benjamin Brown	:	
Application No. 11/528,199	:	DECISION ON PETITION
Filed: September 29, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. BROWN, A. -1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 27, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes copy of applicant's birth certificate and driver's license. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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 3673 for action on the merits commensurate with this decision.

*April M. Wise*  
April M. Wise  
Petitions Examiner  
Office of Petitions



INTELLECTUAL PROPERTY GROUP  
FREDRIKSON & BYRON, P.A.  
200 SOUTH SIXTH STREET  
SUITE 4000  
MINNEAPOLIS MN 55402

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**FEB 28 2007**

**OFFICE OF PETITIONS**

In re Application of  
Benjamin Wayne Floan  
Application No. 11/528,204  
Filed: September 27, 2006  
Attorney Docket No. 37038.63.6

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: DECISION GRANTING PETITION  
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This is a decision on the petition filed December 6, 2006, under 37 CFR 1.53, in response to the Notice of Incomplete Nonprovisional Application mailed October 19, 2006, requesting that the above identified application be accorded a filing date of September 27, 2006.

On September 27, 2006 the application was filed. However, on October 19, 2006, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" stating that the application had not been accorded a filing date because the application was deposited without drawings and that the filing date of the application would be the date of receipt of the drawings.

In response, the present petition and 5 sheets of drawings, were filed. Petitioners argue that the drawings were filed with the other application papers on September 27, 2006. In support of the petition, a copy of petitioner's postcard receipt which shows an official USPTO date-stamp of September 27, 2006, and the above-identified application number, and acknowledges receipt of, *inter alia*, 5 sheets of drawings, was supplied with the present petition. Petitioner requests that the application, including the drawings, be accorded a filing date of September 27, 2006.

Upon review, the drawings purportedly deposited on September 27, 2006 have not been located among the application papers. However, the evidence is convincing that the application papers deposited on September 27, 2006, included drawings, which were subsequently misplaced in the USPTO. Therefore, the application, including the 5 sheets of drawings, was complete on filing and entitled to a filing date of September 27, 2006.

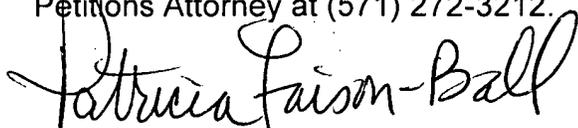
In view of the above, the petition is **GRANTED**.

The Notice of Incomplete Nonprovisional Application mailed October 19, 2006, is

withdrawn. The petition fee in the amount of \$400.00 has been credited back to deposit account no. 06-1910.

The application is being returned to the Office of Initial Patent Examination for reprocessing with a filing date of September 27, 2006 using the application papers filed on September 27, 2006 and the drawings supplied on December 6, 2006.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive style with a large initial "P" and "B".

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/528,214	09/26/2006	Byeong-Jae Ahn	AB-1879 US	5489

7590 04/09/2009  
Haynes and Boone, LLP  
IP Section  
2323 Victory Avenue  
SUITE 700  
Dallas, TX 75219

EXAMINER

SHALWALA, BIPIN H

ART UNIT	PAPER NUMBER
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2629

MAIL DATE	DELIVERY MODE
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04/09/2009

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.

*Miami Farmer*  
Patent Publication Branch  
Office of Data Management

Adjustment date: 04/10/2009 NFARMER  
10/02/2006 HLE333 00000024 502257 11528214  
02 FC:1111 500.00 CR



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**OCT 12 2007**

**OFFICE OF PETITIONS**

**CARTER, DELUCA, FARRELL & SCHMIDT, LLP  
445 BROAD HOLLOW ROAD  
SUITE 225  
MELVILLE NY 11747**

In re Application of

Josef Gorek et al.

Application No. 11/528,223

Filed: September 26, 2006

Attorney Docket No. 1449-67

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**DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)**

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 6, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the applicant, John Kostuik, 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 3732 for action on the merits commensurate with this decision.

Terri Williams  
Petitions Examiner  
Office of Petitions



PERKINS COIE LLP  
PATENT-SEA  
P.O. BOX 1247  
SEATTLE WA 98111-1247

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**JAN 11 2010**

In re Application of	:	
Mitchell LEVINSON et al.	:	
Application No. 11/528,225	:	DECISION ON PETITION
Filed: September 26, 2006	:	TO MAKE SPECIAL
Attorney Docket No. 579688003US	:	37 CFR 1.102
	:	

This is a decision on the petition under 37 CFR 1.102 filed December 23, 2009, the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009, in which the applicant has established small entity status under 37 CFR 1.27;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

b) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Anthony Knight at 571-272-3687.

All other inquires 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 3769 for action on the merits commensurate with this decision.



Anthony Knight  
Supervisory Petitions Examiner  
Office of Petitions



IBM CORPORATION  
IPLAW SHCB/40-3  
1701 NORTH STREET  
ENDICOTT NY 13760

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JUN 16 2009

**OFFICE OF PETITIONS**

In re Application of :  
Patrick James Richards Jr. et al. :  
Application No. 11/528,228 :  
Filed: September 26, 2006 :  
Attorney Docket No: **RSW920020021US3** :

ON PETITION

This is a decision on the petition filed May 6, 2009, to withdraw the holding of abandonment under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition under 37 CFR 1.181(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 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

This application became abandoned October 6, 2008 for failure to timely reply to the non-Final Office Action mailed July 3, 2008 which set a three month period for reply. Accordingly, a Notice of Abandonment was mailed March 10, 2009.

The file record discloses that the Notice was mailed to what was believed to be the address of record, the same address to which the Notice of Abandonment was mailed. However, petitioner contends that it was not received.

The requirement under 37 CFR 1.181, is that petitioner review the docket records and submit copies of the actual docket records or file jacket to show non-receipt. That requirement has not been met. In a petition under 37 CFR 1.181 the petitioner must show, as in this instance where non-receipt is claimed that petitioner is without fault in not receiving the communication and therefore could not respond timely. In the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record. This presumption may be overcome by a showing that the Office action was not in fact received at the address of record.

While petitioner has provided "docket records" which appear to be the docket record for the instant matter, petitioner has not submitted docket records in accordance with M.P.E.P. 711.03(c) and pursuant to Delgar Inc. v. Schuyler, 172 USPQ 513.<sup>1</sup>

In view thereof, the holding of abandonment cannot be withdrawn.

## ALTERNATIVE VENUES

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b),<sup>2</sup>

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<sup>1</sup>In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the **master docket report** showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. **If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.**

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See Lorenz v. Finkl, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); Krahn v. Commissioner, 15 USPQ2d 1823, 1824 (E.D. Va 1990); In re Application of Fischer, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

<sup>2</sup>Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail:        Mail Stop Petition  
                  Commissioner for Patents  
                  P.O. Box 1450  
                  Alexandria, VA 22313-1450

By FAX:        (571) 273-8300

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

---

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).



IBM CORPORATION  
IPLAW SHCB/40-3  
1701 NORTH STREET  
ENDICOTT NY 13760

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**OFFICE OF PETITIONS**

In re Application of  
Patrick James Richards Jr. et al.  
Application No. 11/528,228  
Filed: September 26, 2006  
Attorney Docket No: **RSW920020021US3**

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:

**ON PETITION**

This is a decision on the renewed petition filed August 13, 2009, to withdraw the holding of abandonment under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition under 37 CFR 1.181(b) is **GRANTED**.

This application became abandoned October 6, 2008 for failure to timely reply to the non-Final Office Action mailed July 3, 2008 which set a three month period for reply. Accordingly, a Notice of Abandonment was mailed March 10, 2009. A petition filed May 6, 2009 under 37 CFR 1.181 arguing that the July 3, 2008 Office Action was not received, was dismissed in a decision mailed June 16, 2009 because the requirement under 37 CFR 1.181, to submit copies of the actual docket records or file jacket to show non-receipt had not been met.

Comes now petitioner arguing that no master docket exists, that the file jacket is the only other evidence wherein receipt of the non-Final Office Action mailed July 3, 2008 would have been filed, had it been received. To show that the Office Action mailed July 3, 2008 was not received, petitioner also explains that after searching the file wrapper it was concluded that no correspondence was received for this matter from the USPTO.

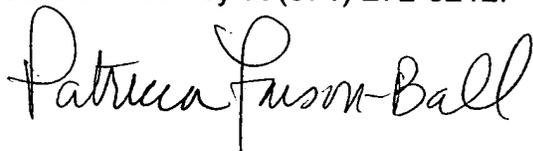
In that the statement from the petitioner and the exhibit from the file jacket for the instant matter show no entry indicating receipt of the non-Final Office Action mailed July 3, 2008, it is apparent that it was not received. The evidence submitted corroborates non-receipt of the non-Final Office Action.

In view of the facts set forth in the petition, it is concluded that the non-Final Office Action mailed July 3, 2008 was never received at the address of record.

A response to the non-Final Office Action mailed July 3, 2008 was filed May 6, 2009.

Accordingly, the Notice of Abandonment is withdrawn and this matter is being referred to Technology Center 2437 for appropriate treatment of the amendment filed May 6, 2009 in response to the non-Final Office Action mailed July 3, 2008.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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FULWIDER PATTON LLP  
HOWARD HUGHES CENTER  
6060 CENTER DRIVE, TENTH FLOOR  
LOS ANGELES, CA 90045

Mail Date: 06/09/2010

**Applicant** : Shohei Omi : DECISION ON REQUEST FOR  
**Patent Number** : 7632049 : RECALCULATION of PATENT  
**Issue Date** : 12/15/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/528,230 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/27/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **297** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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JUN 06 2008

In re Application of	:	
Robert H. Isham	:	
Application No. 11/528,251	:	DECISION ON PETITION
Filed: March 1, 2004	:	TO WITHDRAW
Attorney Docket No. 19433A-000154US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 14, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP has been revoked by the assignee of the patent application on April 7, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 1642.

*April M. Wise*  
 April M. Wise  
 Petitions Examiner  
 Office of Petitions

cc: FOGG & POWERS, LLC  
10 SOUTH FIFTH STREET  
SUITE 1000  
MINNEAPOLIS, MN 55402



CST

8-9-07

In re application of	:	
Ken R. Rivest	:	
Serial No. 11/528,252	:	DECISION ON PETITION
Filed: September 27, 2006	:	TO MAKE SPECIAL
For: ADHESIVE-BACKED EXTENDER	:	
TRIM MATERIAL	:	

This is a decision on the petition filed on July 13, 2007 to make the above-identified application special on the basis of infringement.

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

Pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), all petitions to make special, except those based on applicant's health or age or the PPH pilot, filed on or after August 25, 2006 are required to comply with the requirements of petitions to make special under the accelerated examination program. Note that any petition to make special under MPEP § 708.02, based solely on subsection II (infringement) was required to be filed prior to August 25, 2006.

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a) on or after August 25, 2006;
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;

4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because it was not filed electronically using the USPTO's electronic filing system (EFS), or EFS-web. Furthermore, the petition to make special was not filed concurrently with the application as required by MPEP § 708.02(a).

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

  
Christine Tierney  
Quality Assurance Specialist  
Technology Center 1700



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TEXAS INSTRUMENTS INCORPORATED  
P O BOX 655474, M/S 3999  
DALLAS, TX 75265

Mail Date: 04/20/2010

<b>Applicant</b>	: Scott Cuong Nguyen	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7572735	: RECALCULATION of PATENT
<b>Issue Date</b>	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/528,255	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/27/2006	: 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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JAN 28 2008

**OFFICE OF PETITIONS**

In re Application of	:	
Robert H. ISHAM	:	
Application No. 11/528,256	:	DECISION ON PETITION
Filed: September 27, 2006	:	TO WITHDRAW
Attorney Docket No. 7302-11	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 14, 2007.

The request is **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: FOGG & POWERS, LLC  
10 SOUTH FIFTH STREET,  
MINNEAPOLIS, MN 55402



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AUTOLIV ASP INC  
3350 AIRPORT ROAD  
OGDEN, UT 84405

Mail Date: 04/29/2010

**Applicant** : Larry D. Rose : DECISION ON REQUEST FOR  
**Patent Number** : 7614653 : RECALCULATION of PATENT  
**Issue Date** : 11/10/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/528,265 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/27/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **369** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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DICKSTEIN SHAPIRO LLP  
1825 EYE STREET NW  
WASHINGTON, DC 20006-5403

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**NOV 14 2006**

**OFFICE OF PETITIONS**

In re Application of :  
John L. Janning :  
Application No. 11/528,280 :  
Filed: September 28, 2006 :  
Attorney Docket No. J5460.0024/P024-A :  
: **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 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 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 2821 for action on the merits commensurate with this decision.

  
April M. Wise  
Petitions Examiner  
Office of Petitions



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**OFFICE OF PETITIONS**

In re Application of

**LEBUFFE**

Application No. 11/528,289

Filed: September 26, 2006

Attorney Docket No. 11399-2

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DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 01, 2006 and subsequently filed November 06, 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. LeBuffe 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 3671 for action on the merits commensurate with this decision.

Patricia Volpe  
Petitions Examiner  
Office of Petitions



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NELLCOR PURITAN BENNETT LLC  
ATTN: IP LEGAL  
6135 Gunbarrel Avenue  
Boulder, CO 80301

Mail Date: 04/20/2010

**Applicant** : Adolfo Arizaga Ballesteros : DECISION ON REQUEST FOR  
**Patent Number** : 7574245 : RECALCULATION of PATENT  
**Issue Date** : 08/11/2009 : TERM ADJUSTMENT IN VIEW  
**Appliction No** : 11/528,293 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/27/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **357** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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P.O. BOX 320850  
ALEXANDRIA VA 22320-4850

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OFFICE OF PETITIONS

In re Patent No. 7,316,213 :  
Issue Date: January 8, 2008 :  
Application No. 11/528,346 : ON PETITION  
Filed: September 28, 2006 :  
Attorney Docket No. 129589 :

This is a decision on the petition filed January 11, 2008, which is being treated as a request under 37 CFR 3.81(b)<sup>1</sup> to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction. The delay in responding is regretted; however, the petition was recently referred to the Office of Petitions for consideration.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

<sup>1</sup> See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



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STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

Mail Date: 04/21/2010

**Applicant** : Sung-jung Cho : DECISION ON REQUEST FOR  
**Patent Number** : 7617168 : RECALCULATION of PATENT  
**Issue Date** : 11/10/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/528,347 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/28/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **489** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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.

KENYON & KENYON LLP  
1500 K STREET N.W.  
SUITE 700  
WASHINGTON DC 20005

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**JUL 09 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Vladislav Sinaniyev, Ari Paparo :  
Dritan Suljoti and Steven Wolkoff : DECISION ACCORDING STATUS  
Application No. 11/528,359 : UNDER 37 C.F.R. § 1.47(a)  
Filed: September 28, 2006 :  
Attorney Docket No. 11032-3076 :

This is a decision on the PETITION FOR FILING DECLARATION UNDER 37 C.F.R. § 1.47(a) filed March 19, 2007.

The petition is **GRANTED**.

The above-identified application was filed on September 28, 2006, without an executed oath or declaration. Accordingly, on October 18, 2006, the Office mailed a "Notice to File Missing Parts of Application," requiring an executed oath or declaration and the surcharge for its late filing. This Notice set a two-month time limit for reply with extensions of time obtainable under § 1.136(a).

In response, applicants timely filed a petition. The petition included a declaration executed by joint inventors Sinaniyev, Paparo and Suljoti on behalf of themselves and on behalf of non-signing inventor Wolkoff. Applicants assert that status under 1.47(a) is proper because inventor Wolkoff is unavailable to join in the application. Petitioner submits a statement of facts and supporting documentation of patent attorney Bradley Meier to show Wolkoff's inability to be reached or refusal to join the application. The facts and circumstances have been considered and it is concluded that a *bona fide* attempt was made to present inventor Wolkoff with the application papers but the

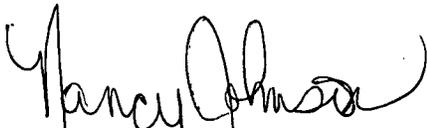
inventor has not been responsive to telephone messages (at his established working mobile number) requesting participation in the application.

The declaration filed March 19, 2007 has been reviewed and found in compliance with § 1.63. The petition includes the last known address of inventor Wolkoff and a petition fee of \$200.

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



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STEVEN WOLKOFF  
34 LAPIDGE STREET  
SAN FRANCISCO CA 94110

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JUL 09 2007

**OFFICE OF PETITIONS**

In re Application of :  
Vladislav Sinaniyev, Ari Paparo :  
Dritan Suljoti and Steven Wolkoff :  
Application No. 11/528,359 : LETTER  
Filed: September 28, 2006 :  
Attorney Docket No. 11032-3076 :

Dear Mr. Wolkoff:

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

BRADLEY MEIER  
KENYON & KENYON LLP  
1500 K STREET N.W.  
SUITE 700  
WASHINGTON DC 20005



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BACON & THOMAS, PLLC  
625 SLATERS LANE  
FOURTH FLOOR  
ALEXANDRIA, VA 22314-1176

Mail Date: 04/21/2010

**Applicant** : Hsiao-Wen Lee : DECISION ON REQUEST FOR  
**Patent Number** : 7592680 : RECALCULATION of PATENT  
**Issue Date** : 09/22/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/528,461 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/28/2006 : 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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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes details for application 11/528,466 filed 09/28/2006 by Nobukazu Suzuki, attorney 296982US8, examiner CHIN, VIVIAN C, art unit 2614, notification date 08/26/2009, delivery mode ELECTRONIC.

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Handwritten signature of Nomi Farmer and typed name Nomi Farmer, Patent Publication Branch, Office of Data Management.

Refund Ref: 0030073741
08/27/2009

Adjustment date: 08/27/2009 NFARMER
10/02/2006 ZJUHR1 00000004 11520466
02 FC:1111 -500.00 OP

Credit Card Refund Total: \$500.00

Ac Exp.: XXXXXXXXXXXX1001



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Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By fax: (571) 273-0025  
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

**Magdalene Talley**

For Mary F. Diggs, Supervisor  
Decisions & Certificates  
of Correction Branch  
(703) 308-9390 ext. 116

Birch, Stewart, Kolasch & Birch, LLP  
8110 Gatehouse Road, Ste.100 East  
P.O. Box 747  
Falls Church VA 22040-0747

MD/mt

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

Paper No.: \_\_\_\_\_

DATE : 1/8/09

TO SPE OF : ART UNIT 2873 Mack Ricky (Spe)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/528477 Patent No.: 7295386

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)**  
**South Tower - 9A22**  
**Palm Location 7580**

  
\_\_\_\_\_  
Certificates of Correction Branch  
703-308-9390 ext. \_\_\_\_\_

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> <b>Approved</b> | <b>All changes apply.</b>                        |
| <input type="checkbox"/> <b>Approved in Part</b>    | <b>Specify below which changes do not apply.</b> |
| <input type="checkbox"/> <b>Denied</b>              | <b>State the reasons for denial below.</b>       |

**Comments:** The request for correction has been approved as no new matter has been introduced,

nor has the scope or the meaning of the claims been changed. Support for the

request can be found in the specification as originally filed.

/Ricky Mack/

2873

**SPE**

**Art Unit**



BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH VA 22040-0747

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OFFICE OF PETITIONS

In re Patent No. 7,295,386 :  
Issue Date: November 13, 2007 :  
Application No. 11/528,477 : DECISION ON PETITION  
Filed: September 28, 2006 :  
Attorney Docket No. 0649-1377PUS1 :

This is a decision on the Request For Certificate Of Correction Pursuant To 37 CFR 1.322, filed September 15, 2008, requesting correction on the Title Page of the subject patent to identify the correct assignee's name. The Request is being treated as a Petition. A completed Certificate of Correction Form (PTO/SB/44) was submitted.

The petition under 37 CFR 3.81 is **GRANTED**.

Petitioner urges that the present Petition was submitted to correct the failure to include the correct assignee's name on the previously submitted PTOL 85B and that such was an inadvertent error. Accordingly, petitioner requests, in effect, that a Certificate of Correction (PTO/SB/44) be issued the correct name of the assignee to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

*After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The requisite \$100.00 fee (Fee Code 1811) as set forth under 37 CFR 1.20(a) was submitted with the Petition. However, the requisite \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), was accompanied deposit account authorization to charge any required fees. As such, the fee has been charged as authorized. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form PTO/SB/44 that accompanied the present Petition.

Inquiries related this communication should be directed to Cheryl Gibson-Baylor at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,295,386.



Brian W. Brown  
Petitions Examiner  
Office of Petitions



LADAS & PARRY, LLP  
26 WEST 61ST STREET  
NEW YORK, NY 10023

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In re Application of :  
Arvind Sudhakar More, et. al. :  
Application No. 11/528,490 : DECISION ON PETITION  
Filed: September 27, 2006 : UNDER 37 CFR 1.55(c)  
Attorney Docket No. U 016508-8 :

This is a decision on the petition under 37 CFR 1.55(c), filed April 7, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to foreign India Application No. 2600/DEL/2005, filed September 27, 2005.

The petition is **DISMISSED**.

This application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, **and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6))**;
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director may require additional information where there is a question whether the delay was unintentional); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The petition fails to comply with item (2) above. In this regard, a review of the file record fails to disclose that the correct priority information was included in an oath or declaration or in an Application Data Sheet (ADS) in accordance with 37 CFR 1.76(b)(6). Unless provided in an ADS, 37 CFR 1.63(c)(2) requires that the oath or declaration must identify the foreign application for patent (or inventor's certificate) for which priority is claimed under 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing. *Note* MPEP 201.14.

In view of the above, compliance with 37 CFR 1.63(c)(2) or 37 CFR 1.76(b)(6) must be satisfied if applicant desires to claim priority to the foreign application noted in the petition. Any future petition should include a cover letter, a substitute declaration or ADS and be entitled "Renewed Petition under 37 CFR 1.55(c)."

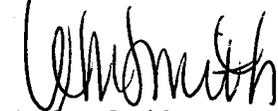
Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop PETITIONS  
                                    Commissioner for Patents  
                                    Post Office Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                      Customer Service Window  
                                    Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

By fax:                        (571) 273-8300  
                                    ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3226.



Andrea Smith  
Petitions Examiner  
Office of Petitions



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SIDLEY AUSTIN, LLP  
1501 K STREET, NW  
WASHINGTON, DC. 20005

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**MAY 23 2008**

**OFFICE OF PETITIONS**

Applicant: Eaton, et al.

Appl. No.: 11/528,596

Filing Date: September 28, 2006

Title: INTERLEUKIN-8-HOMOLOGOUS POLYPETIDES AND THERAPEUTIC USES  
THEREOF

Attorney Docket No.: 22338-514

Pub. No.: 2007/0025962 A1

Pub. Date: February 1, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on March 30, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in the specification wherein Table 1 contained on pages 29-45 of the specification as filed is omitted from the publication.

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records. Any request for a corrected or revised patent application publication other than as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.<sup>1</sup>

The error in the omission of Table from the publication is not a material Office error under 37 CFR 1.221. The table was not printed correctly due to the quality of the text. The error noted by requestor in the Table 1 in this published application is due to the quality of the text, as the text is very small. The text is not clear due to the size, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52.

Applicant is advised that he may want to file application papers that are clearer, as the error is due to the quality of the text. The text is very small, which makes it difficult to read and to electronically reproduce by digital imaging and optical character recognition. Applicants have

---

<sup>1</sup>Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Application No.: 11/528,596

been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52.

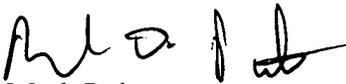
Applicants are advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a) must be submitted via the EFS system as a "Pre-Grant Publication" and any questions or request for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PG PUB  
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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United States Patent and Trademark Office  
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www.uspto.gov

STANZIONE & KIM, LLP  
919 18TH STREET, N.W.  
SUITE 440  
WASHINGTON, DC 20006

Mail Date: 05/05/2010

Applicant : Dong-woo Ha : DECISION ON REQUEST FOR  
Patent Number : 7584960 : RECALCULATION of PATENT  
Issue Date : 09/08/2009 : TERM ADJUSTMENT IN VIEW  
Application No : 11/528,625 : OF WYETH  
Filed : 09/28/2006 :  
:  
:

The Patentee's Request for Recalculation is **DISMISSED**.

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b) (2) (A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b) (4) (A) concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b) (4) (A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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YOUNG & THOMPSON  
209 Madison Street  
Suite 500  
Alexandria, VA 22314

Mail Date: 06/15/2010

<b>Applicant</b>	: Masaya Kawano	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7633167	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/528,655	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/28/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **49** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



**MCDERMOTT WILL & EMERY LLP**  
**600 13TH STREET, N.W.**  
**WASHINGTON, DC 20005-3096**

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**OFFICE OF PETITIONS**

In re Application of :  
**Makoto MURAI**, et al. :  
Application No. 11/528,683 : **DECISION GRANTING PETITION**  
Filed: September 28, 2006 : **UNDER 37 CFR 1.313(c)(2)**  
Attorney Docket No. **065933-0314** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 29, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on November 25, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 1794 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/  
Petitions Examiner, Office of Petitions

---

<sup>1</sup> *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



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MCDERMOTT WILL & EMERY LLP  
600 13TH STREET, NW  
WASHINGTON, DC 20005-3096

Mail Date: 05/03/2010

**Applicant** : Mitsunori Morimoto : DECISION ON REQUEST FOR  
**Patent Number** : 7667737 : RECALCULATION of PATENT  
**Issue Date** : 02/23/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/528,684 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/28/2006 : 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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BANNER & WITCOFF, LTD.  
ATTORNEYS FOR CLIENT NO. 016689  
1100 13th STREET, N.W.  
SUITE 1200  
WASHINGTON, DC 20005-4051

Mail Date: 04/21/2010

<b>Applicant</b>	: Yuichi Matsushita	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7627264	: RECALCULATION of PATENT
<b>Issue Date</b>	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/528,687	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/28/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **542** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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JENKINS, WILSON, TAYLOR & HUNT, P. A.  
Suite 1200 UNIVERSITY TOWER  
3100 TOWER BLVD.,  
DURHAM, NC 27707

Mail Date: 04/21/2010

<b>Applicant</b>	: Dongwook Jung	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7666499	: RECALCULATION of PATENT
<b>Issue Date</b>	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/528,701	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/27/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **564** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



**CHERSKOV & FLAYNIK**  
**THE CIVIC OPERA BUILDING**  
**20 NORTH WACKER DRIVE, SUITE 1447**  
**CHICAGO IL 60606**

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**OFFICE OF PETITIONS**

In re Application of	:	
<b>KOZAK, Burton</b>	:	
Application No. 11/528,725	:	DECISION ON PETITION
Filed: September 27, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. <b>0052-10805</b>	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 22, 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**.

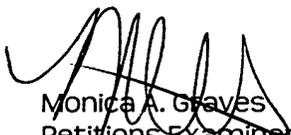
A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the declaration and driver's license of inventor Burton Kozak, 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.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the Technology Center Art Unit 3722 for action on the merits commensurate with this decision.



Monica A. Graves  
Petitions Examiner  
Office of Petitions



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**YAHOO C/O MOFO PALO ALTO  
755 PAGE MILL ROAD  
PALO ALTO, CA 94304**

**MAILED  
MAY 20 2010  
OFFICE OF PETITIONS**

In re Application of :  
Vemulapelli et al. : **DECISION ON PETITION**  
Application No. 11/528,753 : **TO WITHDRAW**  
Filed: September 27, 2006 : **FROM RECORD**  
Attorney Docket No. 085804-721201 :

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 on April 26, 2010 the power of attorney to YAHOO C/O MOFO PALO ALTO 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: YAHOO! INC. C/O GREENBERG TRAUIG, LLP  
MET LIFE BUILDING  
200 PARK AVENUE  
NEW YORK NY 10166



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SUITE 3000  
CHICAGO, IL 60606

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In re Application of :  
Jean-Claude Morizot, et al. :  
Application No. 11/528,755 : DECISION GRANTING PETITION  
Filed: September 28, 2006 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 006379.00022 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 31, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on November 26, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 3672 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/528,767	09/28/2006	Magnus E. Bjornsson	EMS-137US	8139

52427 7590 10/16/2008  
MUIRHEAD AND SATURNELLI, LLC  
200 FRIBERG PARKWAY, SUITE 1001  
WESTBOROUGH, MA 01581

EXAMINER

ELMORE, STEPHEN C

ART UNIT PAPER NUMBER

2185

MAIL DATE DELIVERY MODE

10/16/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Donald W. Muirhead  
MUIRHEAD AND SATURNELLI, LLC  
200 Friberg Parkway, Suite 1001  
Westborough, MA 01581

In re Application of: Byornsson et al. )  
Application No. 11/528,767 ) *PETITION FILED UNDER 37 CFR*  
Attorney Docket No. EMS-137US ) *1.48(a) TO ADD AN INVENTOR TO THE*  
Filed: September 28, 2006 ) *APPLICATION*  
For: AVOIDING COPY ON FIRST WRITE )

In the papers filed on July 25, 2007, the applicants submitted a petition under 37 CFR 1.48(a) requesting correction of the inventorship. In the petition, the applicants requested that Mr. David Meiri be added as one of the inventors of the instant application. The petition included the following information in support of the petition:

- (1) A request to correct the inventorship setting forth the desired inventorship change;
- (2) Statement from Mr. David Meiri that the error in inventorship occurred without deceptive intention on the part of the undersigned.
- (3) An oath or declaration by the actual inventors as required by § 1.63;
- (4) The processing fee set forth in § 1.17(i); and
- (5) The written consent of the assignee (see § 3.73(b)).

A review of the application reveals that the papers filed July 25, 2007, sufficiently establish that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by adding Mr. David Meiri as an inventor on the application.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

*Application No. 11/528,767*

Inquiries to this decision may be directed to Primary Examiner Brian Peugh at (571) 272-4199.

/Brian R. Peugh/

Primary Examiner  
Art Unit 2187  
Technology Center 2100  
Computer Architecture, Software, and Information Security



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EMC CORPORATION  
OFFICE OF THE GENERAL COUNSEL  
176 SOUTH STREET  
HOPKINTON, MA 01748

Mail Date: 04/21/2010

<b>Applicant</b>	: Magnus E. Bjornsson	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7617372	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/528,767	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/28/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **434** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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FULBRIGHT & JAWORSKI, LLP  
666 FIFTH AVE  
NEW YORK, NY 10103-3198

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**OFFICE OF PETITIONS**

In re Application of :  
Eder et al. :  
Application No. 11/528,788 :  
Filing or 371(c) Date: 09/28/2006 :  
Attorney Docket Number: : DECISION  
NY-DNAG 273.1-CONT.-US : ON PETITION

This is a decision on the "Petition For a Filing Date", filed October 30, 2006, requesting the above-identified application be accorded a filing date of September 28, 2006. The delay in treating this petition is regretted.

The petition is granted.

The application was filed on September 28, 2006. On October 17, 2006, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the instant petition and avers that six (6) sheets of drawings were filed in the application on September 28, 2006. In support of this assertion, Applicant files a copy of his return-receipt postcard acknowledging receipt of six (6) sheets of drawings by this Office on September 28, 2006.

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

Accordingly, the petition is granted.

In view of the above, the Notice mailed October 17, 2006, was mailed in error and is hereby withdrawn.

No petition fee has been charged and none is due.

The copy of six (6) sheets of drawings, filed with the instant petition, will be used for examination purposes.

This application is being forwarded to the Office of Initial Patent Examination, Customer Corrections, for further processing, with the filing date of September 28, 2006, and an indication that six (6) sheets of drawings were present on September 28, 2006, using the six (6) sheets of drawings filed with the present petition on October 30, 2006.

Telephone inquiries concerning this matter should be directed to the undersigned at (571-272-3232).

  
Derek L. Woods  
Attorney  
Office of Petitions



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BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO IL 60610

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**JAN 23 2007**

**OFFICE OF PETITIONS**

**ON PETITION**

In re Application of :  
Masuda, et al. :  
Application No. 11/528,814 :  
Filed: To be determined :  
Attorney Docket No. 13096-9 :  
For: RADIATION IMAGE PICKUP :  
APPARATUS :

This is a decision on the petition filed September 27, 2006 under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of September 26, 2006.

The petition under 37 CFR 1.10(d) is **GRANTED**.

Petitioners request a filing date of September 26, 2006 on the basis that the application was deposited in Express Mail service on September 26, 2006, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by, *inter alia*, a printout of the United States Postal Service Track/Confirm for the package associated with Express Mail label EV906855064US that shows the package was accepted by the USPS on September 26, 2006. The same Express Mail label number is found on the original utility patent application transmittal. It is noted the "date-in" on the Express Mail label in question is "9 28 6". Petitioners filed the present petition because the "date-in" was incorrect and petitioners were concerned that the Office would accord an incorrect filing date based on the "date-in" to the above-identified application.

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 granted because it is accompanied by the corroborating evidence required by the rule. This petition is granted on the strength of the USPS Track and Confirm printout. The mail log is not persuasive evidence because the time of creation of the entry is not apparent. Therefore, the undersigned is not certain that the entry was created **after** the correspondence was deposited in Express Mail service.

The application is being returned to the Office of Initial Patent Examination, where the application will be accorded a **September 26, 2006** filing date.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3230.



Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

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LENOVO (US) IP Law  
1009 Think Place  
Building One, 4th Floor 4B6  
Morrisville, NC 27560

Mail Date: 04/21/2010

**Applicant** : Cory A. Chapman : DECISION ON REQUEST FOR  
**Patent Number** : 7597572 : RECALCULATION of PATENT  
**Issue Date** : 10/06/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/528,833 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/28/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **280** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

Mail Date: 04/21/2010

**Applicant** : Aad Ammerlaan : DECISION ON REQUEST FOR  
**Patent Number** : 7652196 : RECALCULATION of PATENT  
**Issue Date** : 01/26/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/528,849 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/28/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **144** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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ALFRED M WALKER  
225 OLD COUNTRY ROAD  
MELVILLE NY 11747-2712

MAILED

JUN 25 2010

In re Application of :  
Sabin, et al. :  
Application No. 11/528,879 :  
Filed: September 28, 2006 :  
Attorney Docket No. 240903 Meth Man :

OFFICE OF PETITIONS

DECISION ON PETITION  
UNDER 37 CFR 1.181

This is a decision on the "REQUEST FOR PRIORITY CLAIM AND UPDATED FILING RECEIPT 37 C.F.R. 1.181", filed April 19, 2010.

The petition is **DISMISSED**.

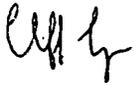
Petitioner states that he submitted claims for priority to two non-provisional applications and two provisional applications in the declaration submitted on filing. However, petitioner alleges that the USPTO erred in not including these priority claims on the filing receipt and not making the claims of record in the instant application.

Petitioner's statement is incorrect. As set forth in MPEP 601.05, a claim for priority must be submitted in either the first sentence of the specification, or an Application Data Sheet. A review of the application does not indicate the presence of any priority claims in either the specification or an Application Data Sheet. If applicants wish to submit a late claim for priority, applicants may do so by filing a petition under 37 CFR 1.78. Such petition should be submitted to:

By mail: Mail Stop PETITIONS  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

By fax: (571) 273-8300  
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3207.

A handwritten signature in black ink, appearing to read "Cliff Congo".

Cliff Congo  
Petitions Attorney  
Office of Petitions

cc: Dowell & Dowell, P.C.  
103 Oronoco Street  
Suite 220  
Alexandria, VA 22314



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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C  
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PALO ALTO CA 94304-1124

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**MAY 29 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Hodal, Jr., et al. :  
Application No. 11/528,893 : ON PETITION  
Filed: September 27, 2006 :  
Attorney Docket No. 76202-001 :  
For: PROBIOTIC ORAL DOSAGE FORMS :

This is a decision on the petition, filed January 11, 2007, under 37 CFR 1.182, requesting a change to the order of inventors.

The petition is GRANTED.

The order of inventors will be:

E. FRANK HODAL, JR.  
KARL P. WEINRICH

A replacement filing receipt is enclosed.

After the mailing of this decision, the application 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

enclosure: replacement filing receipt



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Table with 7 columns: APPL NO., FILING OR 371(c) DATE, ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLMS, IND CLMS. Row 1: 11/528,893, 09/27/2006, 1632, 1215, 76202-001, 46, 2

23980
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
1400 PAGE MILL ROAD
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CONFIRMATION NO. 7087
REPLACEMENT FILING RECEIPT
\*OC000000024056823\*

Date Mailed: 05/24/2007

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)

E. Frank Hodal, Silver Spring, MD;
Karl P. Weinrich, Bridgewater, MA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

Probiotic oral dosage forms

Preliminary Class

## PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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### LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

#### **GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the

national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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EMC CORPORATION  
OFFICE OF THE GENERAL COUNSEL  
176 SOUTH STREET  
HOPKINTON, MA 01748

Mail Date: 04/21/2010

<b>Applicant</b>	: Manoj Nair	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7640345	: RECALCULATION of PATENT
<b>Issue Date</b>	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/528,900	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/27/2006	: 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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Honeywell International, Inc.  
Patent Services Group  
101 Columbia Road  
Morristown, NJ 07962

Mail Date: 04/21/2010

<b>Applicant</b>	: James L. Fisher	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7606635	: RECALCULATION of PATENT
<b>Issue Date</b>	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/528,901	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/28/2006	: 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.



WILSON SONSINI GOODRICH & ROSATI  
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AUG 15 2008

OFFICE OF PETITIONS

In re Application of :  
Scheffer Tseng et al. :  
Application No. 11/528,902 : DECISION GRANTING PETITION  
Filed: September 27, 2006 :  
Attorney Docket No.: 34157-701.202 :

This is a decision on the petition filed December 12, 2006, in response to the "Notice to File Missing Parts" mailed October 20, 2006, which is treated under 37 CFR 1.182.

The instant application was filed September 27, 2006 and a filing date was accorded. However, the Notice indicated that Figures 4 and 16 described in the specification appeared to have been omitted.

Petitioner asserts that Figures 4 and 16 were among the papers filed on September 27, 2006, and submits, *inter alia*, a "legible" postcard receipt in evidence thereof. While only twenty-eight (28) sheets of drawing figures is of record, the postcard receipt, identifies the application and acknowledges, *inter alia*, that the application included 30 sheets of drawings. The postcard did not itemize the drawing figures but the postcard bears a United States Patent and Trademark Office date-stamp of September 27, 2007 and lacks any notation of non-receipt of any item listed. In view thereof, the petition is **GRANTED**.

Given the basis for granting the petition, no petition fee is due and none has been charged.

This matter will be referred to the Office of Patent Application Processing for processing, using the application papers received in the Office on September 27, 2006 and Figures 4 and 16 submitted on petition December 12, 2006.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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Paper No.

KIRSCHSTEIN, OTTINGER, ISRAEL  
& SCHIFFMILLER, P.C.  
489 FIFTH AVENUE  
NEW YORK NY 10017

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**AUG 21 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Edward Barkan : DECISION ON PETITION  
Application No. 11/528,908 :  
Filed: September 28, 2006 :  
Attorney Docket No. 2586 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed June 26, 2007.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply to the Notice to File Missing Parts of Application mailed October 20, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. No reply having been received, the above-identified application became abandoned on December 21, 2006. A courtesy Notice of Abandonment was mailed on June 22, 2007.

Petitioner has satisfied the requirements of 37 CFR 1.137(b). The petition included the required reply in the form of an executed declaration and late surcharge; the petition fee; and the required statement of unintentional delay.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. The application is, thereby, being forwarded to the Office of Initial Patent Examination for completion of pre-examination processing, including processing of the responses submitted on petition filed June 26, 2007.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink that reads "Nancy Johnson". The signature is written in a cursive style with a large, prominent initial "N".

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions



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KIRSCHSTEIN, OTTINGER, ISRAEL  
& SCHIFFMILLER, P.C.  
489 FIFTH AVENUE  
NEW YORK, NY 10017

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**AUG 02 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Gurevich, et al. :  
Application No.: 11/528,909 : ON PETITION  
Filed: September 28, 2006 :  
Attorney Docket No. 2464 :

This is in response to the petition under 37 CFR 1.137(b) filed July 12, 2007.

The petition under 37 CFR 1.137(b) is **granted**.

A "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office on October 20, 2006, allowing a shortened period of reply of two-months from its mailing date. Extensions of time set for reply were available pursuant to 37 CFR 1.136(a). The Notice required an oath or declaration to be filed, \$130.00 surcharge, and replacement drawings. No response was received within the allowable period and the application became abandoned on December 21, 2006. A Notice of Abandonment was mailed on June 22, 2007.

The declaration, surcharge, and replacement drawings were received on July 12, 2007.

This application is being directed to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



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KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK, NY 10004

Mail Date: 04/21/2010

**Applicant** : Chulani Tissa Kappagoda : DECISION ON REQUEST FOR  
**Patent Number** : 7651707 : RECALCULATION of PATENT  
**Issue Date** : 01/26/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/528,937 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/27/2006 : 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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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

Mail Date: 05/05/2010

<b>Applicant</b>	: Sarah E. Kim	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7615462	: RECALCULATION of PATENT
<b>Issue Date</b>	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/528,986	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/27/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **201** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/529,005 09/28/2006 Tae-gwang Kim 0002705USU/3062 8180

7590 07/03/2008
Paul D. Greeley
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
10 Floor
One Landmark Square
Stamford, CT 06901-2682

EXAMINER

HOPKINS, ROBERT A

ART UNIT PAPER NUMBER

1797

MAIL DATE DELIVERY MODE

07/03/2008

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Handwritten signature of Tami Armes

Patent Publication Branch
Office of Data Management

Refund Ref:
07/09/2008 NFARMER 0000163506

Adjustment date: 07/09/2008 NFARMER
10/02/2006 SSITRIB1 00000109 11529005
02 FC:1111 -500.00 OP

CHECK Refund Total: \$500.00



**NELLCOR PURITAN BENNETT LLC  
ATTN:IP LEGAL  
6135 GUNBARREL AVENUE  
BOULDER CO 80301**

**MAILED**

**SEP 08 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Geeta Agashe et al :  
Application No. 11/529,024 : DECISION GRANTING PETITION  
Filed: September 28, 2006 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. TYHC:0199/H-NE- :  
00164 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 4, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on August 17, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

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) 272-3208.

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<sup>1</sup> *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

This application is being referred to Technology Center AU 3736 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

cc:

**BRIAN H. TOMPKINS  
FLETCHER YODER  
P.O. BOX 692289  
HOUSTON, TX 77269-2289**



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NELLCOR PURITAN BENNETT LLC  
ATTN: IP LEGAL  
6135 Gunbarrel Avenue  
Boulder, CO 80301

Mail Date: 04/20/2010

**Applicant** : Geeta Agashe : DECISION ON REQUEST FOR  
**Patent Number** : 7643858 : RECALCULATION of PATENT  
**Issue Date** : 01/05/2010 : TERM ADJUSTMENT IN VIEW  
**Appliction No** : 11/529,024 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/28/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **251** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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DW Oct-08

GENENTECH, INC.  
1 DNA WAY  
SOUTH SAN FRANCISCO CA 94080

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**OCT 07 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Avi J. Ashkenazi : DECISION ON PETITION  
Application Number: 11/529083 : TO WITHDRAW HOLDING OF  
Filing Date: 09/28/2006 : ABANDONMENT  
Attorney Docket Number: P0978- :  
1C3 :

This is a decision on the petition, filed on August 29, 2008, to withdraw the holding of abandonment in the above-identified application.

The application was held abandoned for failure to timely submit a reply to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (Notice to Comply) mailed on November 14, 2006, which set a two (2) month shortened period for reply. Notice of Abandonment was mailed on July 17, 2008.

Petitioners assert that a response to the Notice to Comply was in fact timely filed. In support of the petition, petitioner submitted a copy of a postcard receipt bearing an Office-date stamp of May 3, 2007, and itemizing the filing of a response to the Notice. A copy of the reply was also included.

Upon review, petitioners' reply filed on May 3, 2007, including a four (4) month extension of time and fee, has been located in the Official file. As such, the showing of record is that a timely reply was filed in response to the Notice to Comply mailed on November 14, 2006.

Accordingly, there is no abandonment in fact.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED**.

The application file will be referred to the Office of Patent Examination Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



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**SLATER & MATSIL, L.L.P.**  
**17950 PRESTON ROAD, SUITE 1000**  
**DALLAS TX 75252**

**MAILED**

**APR 24 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Chung-Heng Yang et al :  
Application No. 11/529,091 : **DECISION GRANTING PETITION**  
Filed: September 28, 2006 : **UNDER 37 CFR 1.313(c)(2)**  
Attorney Docket No. TSM06-0289 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 23, 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 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.<sup>1</sup>***

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2812 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/  
Karen Creasy  
Petitions Examiner  
Office of Petitions

---

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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HOFFMANN & BARON, LLP  
6900 JERICHO TURNPIKE  
SYOSSET, NY 11791

Mail Date: 06/01/2010

**Applicant** : Harm Gerrit Knol : DECISION ON REQUEST FOR  
**Patent Number** : 7651000 : RECALCULATION of PATENT  
**Issue Date** : 01/26/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/529,092 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/28/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **494** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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EDWARDS ANGELL PALMER & DODGE LLP  
P.O. BOX 55874  
BOSTON MA 02205

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**AUG 17 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Gilbard and Breen : DECISION REFUSING STATUS  
Application Number: 11/529096 : UNDER 37 CFR 1.47(a)  
Filing Date: 09/27/2006 :  
Attorney Docket Number: :  
66325CON(200696) :

This is in response to the petition under 37 CFR 1.47(a) filed on 22 May, 2007.

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.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on 27 September, 2006, without an executed oath or declaration. Accordingly, on 23 October, 2006, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration and a surcharge for its late filing. A two (2) month period for reply was set.

In response, on 22 May, 2007, a five (5) month extension of time and fee were filed, and a declaration naming Jeffrey P. Gilbard and Ed V. Breen as joint inventors, signed by joint inventor Gilbard on behalf of himself and joint inventor Breen. The subject petition was also filed, along with the petition fee and surcharge.

Petitioners assert that the declaration was sent to joint inventor Breen, but that he has not signed and returned it.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding 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;

(4) a surcharge of \$130 or \$65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

(5) a statement of the last known address of the non-signing inventors.

The petition lacks item (1), above.

Petitioners have not shown that joint inventor Breen was sent or presented with a copy of the application as filed (specification, including claims, drawings, if any, and the declaration).<sup>1</sup>

Rather, the showing of record is that only the declaration was sent to the non-signing inventor. Before a refusal to sign the declaration can be shown, petitioners must provide evidence that a copy of the application papers, as well as the declaration, were sent or given to the non-signing inventor.

Petitioners may show proof that a copy of the application was sent or given to the non-signing inventor for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the declaration) to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

Likewise, before a *bona fide* refusal to sign the declaration can be alleged, petitioners must show that a copy of the application was sent or given to the inventor. If the inventor refuses in writing, petitioners must submit a copy of that written refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of fact.

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<sup>1</sup> MPEP 409.03(d).

In the event that the application papers are returned as undeliverable, petitioners may show diligent efforts to locate the non-signing inventor by providing a copy of an envelope showing that a letter sent to the last known address of the non-signing inventor was returned as undeliverable by the post office. Details of the efforts made to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person having first-hand knowledge of the details. Additionally, if any inventor no longer lives at the last known address, petitioners may show diligent efforts by use of a national registry or other database to determine a current address for the non-signing inventor. If a more recent address is discovered, petitioners should send or give a copy of the application papers to the inventor at that address.

If repeated attempts to contact the non-signing inventor are unsuccessful, petitioners will have shown that despite diligent efforts, the inventor could not be reached.

Further correspondence with respect to this matter should be addressed as follows:

By mail:           Mail Stop Petition  
                  Commissioner for Patents  
                  P.O. Box 1450  
                  Alexandria, VA 22313-1450

By FAX:           (571) 273-8300  
                  Attn: Office of Petitions

By hand:          Customer Service Window  
                  Mail Stop Petition  
                  Randolph Building  
                  401 Dulany Street  
                  Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



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EDWARDS ANGELL PALMER & DODGE LLP  
P.O. BOX 55874  
BOSTON MA 02205

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**OCT 31 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Gilbard and Breen : DECISION ACCORDING STATUS  
Application Number: 11/529096 : UNDER 37 CFR 1.47(a)  
Filing Date: 09/27/2006 :  
Attorney Docket Number: :  
66325CON(200696) :

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 27 September, 2007.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Ed V. Breen, has refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, the petitioners have provided a copy of a letter, signed by registered patent practitioner Jonathan M. Sparks, sent to joint inventor Gilbard, with a copy forwarded to non-signing inventor van Breen, as well as a statement by the practitioner stating that a copy of the application was sent to van Breen. As such petitioners have established that a copy of the above-identified application was sent to the non-signing inventor.

The non-signing inventor, however, has failed to sign and return the declaration naming him as a joint inventor along with Jeffrey P. Gilbard.

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, not the Declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

The application is being referred to Technology Center Art Unit 1618 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



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DW Oct-07

Ed van Breen  
P.O. Box 2685  
Manchester Center VT 05525

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**OCT 31 2007**

**OFFICE OF PETITIONS**

In re Application of  
Gilbard et al.  
Application No. 11/529,096  
Filed: 27 September, 2006

For: NEW COMPOSITIONS AND METHODS FOR MAINTAINING EYELIND HYGIENE

Dear Mr. Van Breen:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

  
Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

EDWARDS ANGELL PALMER & DODGE LLP  
P.O. BOX 55874  
BOSTON MA 02205



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STOEL RIVES LLP - SLC  
201 SOUTH MAIN STREET, SUITE 1100  
ONE UTAH CENTER  
SALT LAKE CITY, UT 84111

Mail Date: 04/21/2010

**Applicant** : Bret R. Warrick : DECISION ON REQUEST FOR  
**Patent Number** : 7659523 : RECALCULATION of PATENT  
**Issue Date** : 02/09/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/529,114 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/28/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **685** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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BACHMAN & LAPOINTE, P.C. (P&W)  
900 CHAPEL STREET  
SUITE 1201  
NEW HAVEN, CT 06510-2802

Mail Date: 07/16/2010

**Applicant** : Susan M. Tholen : DECISION ON REQUEST FOR  
**Patent Number** : 7650926 : RECALCULATION of PATENT  
**Issue Date** : 01/26/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/529,120 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 09/28/2006 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **650** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610

Mail Date: 04/21/2010

<b>Applicant</b>	: Takatoshi Masuda	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7622328	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/529,137	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 09/28/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **548** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



SAWYER LAW GROUP LLP  
P O BOX 51418  
PALO ALTO, CA 94303

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FEB 26 2008

**OFFICE OF PETITIONS**

In re Application of :

**RIVA REGGIORI, Riccardo et al.** :

Application No. 11/529,158 :

Filed: September 28, 2006 :

Attorney Docket No. 3222C :

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 09, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Joseph A. Sawyer, Jr. on behalf of all attorneys of record who are associated with customer No. 29141. 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: **RICCARDO RIVA REGGIORI**  
**RES. CANTONE, MILANO 2**  
**SEGRATE 20090, ITALY**

cc: **SCHWEGMAN, LUNDBERG & WOESSNER / ATMEL**  
**P.O. BOX 2938**  
**MINNEAPOLIS, MN 55402**


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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
11/529,177	09/27/2006	2812	1280	AB-1945 US	21	23	3

**CONFIRMATION NO. 8185**

 32605  
 MACPHERSON KWOK CHEN & HEID LLP  
 2033 GATEWAY PLACE  
 SUITE 400  
 SAN JOSE, CA 95110

**CORRECTED FILING RECEIPT**


\*OC000000022494214\*

Date Mailed: 02/13/2007

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)**

 Yeong-Beom Lee, Chungcheognam-do, KOREA, REPUBLIC OF;  
 Myung-Il Park, Daejeon, KOREA, REPUBLIC OF;  
 Kyung-Seop Kim, Gyeonggi-do, KOREA, REPUBLIC OF;  
 Yong-Eui Lee, Gyeonggi-do, KOREA, REPUBLIC OF;

**Power of Attorney:** The patent practitioners associated with Customer Number 32605.

**Domestic Priority data as claimed by applicant**
**Foreign Applications**

REPUBLIC OF KOREA 2005-89856 09/27/2005

**If Required, Foreign Filing License Granted:** 10/25/2006

**The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/529,177**
**Projected Publication Date:** 05/24/2007

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Manufacturing liquid crystal display substrates

**Preliminary Class**

438

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



**ABSOLUTE TECHNOLOGY LAW GROUP LLC  
135 W. WELLS ST.  
SUITE 518  
MILWAUKEE WI 53203**

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In re Application of :  
**HINICKLE, Judith A.** :  
Application No. 11/529,190 :  
Filed: September 28, 2006 :  
Attorney Docket No. **Hinickle 0906** :  
: **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 25, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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, the sole attorney of record. Jill Welytok has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Judith Hinickle at the address indicated below. There is an outstanding Office action mailed October 05, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/  
Paralegal Specialist  
Office of Petitions

cc: **JUDITH HINCKLE  
TRANSCORN CORP.  
W173 N9170 ST. FRANCIS DR.  
P.O. BOX 160  
MENOMONEE FALLS WI 53052-0160**



FULWIDER PATTON LLP  
HOWARD HUGHES CENTER  
6060 CENTER DRIVE, TENTH FLOOR  
LOS ANGELES CA 90045

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**JAN 19 2007**

**OFFICE OF PETITIONS**

In re Application of  
Craig Gerbi et al.  
Application No. 11/529,201  
Filed: September 28, 2006  
Attorney Docket No. **SATTY-75114**  
**(13.0 DIVL)**

**DECISION ON  
PETITION**

This is a decision on the petition filed December 22, 2006 in response to the Notice of Omitted Items mailed November 3, 2006. The response is treated as a petition under 37 CFR 1.182.

After the application was filed, the Office of Initial Patent Examination mailed a Notice of Omitted Items on November 3, 2006, indicating that pages 31 and 33 of the Specification appeared to have been omitted. Petitioner asserts that pages 31 and 33 of the specification were among the papers filed on September 28, 2006, and with the petition, submits, *inter alia*, a "legible" postcard receipt in evidence thereof. The postcard receipt, identifies the application and acknowledges, *inter alia*, that the application included 43 pages of specification and bears a United States Patent and Trademark Office date-stamp of September 28, 2006. While the file record does total 43 pages of specification, claims and abstract, pages 31 and 33 don't appear to be of record. While the postcard receipt indicates 43 pages were submitted including the specification, claims and abstract, which should have included pages 31 and 33, the postcard receipt lacks any notation of non-receipt of any item listed. In view thereof, the petition is **GRANTED**.

The "Notice" was improperly mailed and is withdrawn. Given the basis for granting the petition, the petition fee in the amount of \$400.00 will be credited to deposit account no. 06-2425.

This matter is being referred to the Office of Initial Patent Examination (OIPE) for further processing, using the application papers received in the Office on September 28, 2006 and the two sheets of specification (pages 31 & 33) submitted on petition December 22, 2006.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE CA 94085-4040

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MAY 22 2008

**OFFICE OF PETITIONS**

In re Application of :  
Jae-II Kim et al. :  
Application No. 11/529,202 :  
Filed: September 27, 2006 :  
Attorney Docket No. 51876P1138 :

**ON PETITION**

This is a decision on the petition to withdraw the holding of abandonment, filed April 22, 2008 which is treated under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**.

The application became abandoned March 17, 2008 for failure to timely pay the issue fee. A Notice of Allowance was mailed December 14, 2007 thus closing prosecution in the application. Payment of the issue fee was due not later than March 14, 2008. No response having been filed, a Notice of Abandonment was mailed April 8, 2008.

Petitioners argue that on March 13, 2008, prior to payment of the issue fee, and therefore in lieu thereof, petitioners filed a Request for Continued Examination (RCE) under 37 CFR 1.114 and an Information Disclosure Statement (IDS). Although other identifiers were present on the RCE and IDS, both had the wrong application no. in the header. Submitted as proof is a copy of the RCE and IDS which bear a certificate of mail dated March 13, 2008.

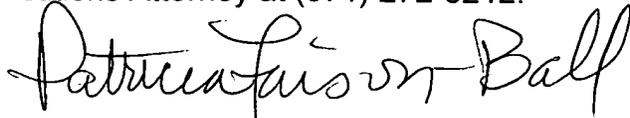
While the requirement for filing papers with the USPTO is that every paper bear an appropriate application no. or identifier, petitioner is correct that other identifiable information was found to be on the papers filed as the response. As such, the papers were not previously matched with the correct application and thus it appeared that the response was not timely.

A review of the file reveals that the response filed March 17, 2008 with a certificate of mail dated March 13, 2008 has now been matched with the correct application file. The evidence submitted corroborates a timely submission of the RCE and IDS as the submission under 37 CFR 1.114, after prosecution in the application was closed.

Accordingly, the Notice of Abandonment mailed April 8, 2008 was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged.

This matter will be referred to Technology Center 2827 for processing of the RCE filed with an IDS on March 17, 2008 (certificate of mail date March 13, 2008).

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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**Morrison & Foerster LLP**  
1650 Tysons Boulevard  
Suite 300  
McLean, VA 22102

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**DEC 20 2007**

**OFFICE OF PETITIONS**

In re Application of  
Hae-Weon Lee et al.  
Application No. 11/529,212  
Filed: September 29, 2006  
Attorney Docket No. 21107/0207503-US

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 26, 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 September 5, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

*T. Williams*

Terri Williams  
Petitions Examiner  
Office of Petitions

cc: **Darby & Darby**  
**P.O. Box 770**  
**Church Street Station**  
**New York, NY 10008-0770**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/529,262	09/29/2006	Ki-Ho Kim	070679-0168	8879
20277	7590	08/21/2008	EXAMINER	
MCDERMOTT WILL & EMERY LLP			TRAN, MICHAEL THANH	
600 13TH STREET, N.W.			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005-3096			2827	
			MAIL DATE	DELIVERY MODE
			08/21/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



Paper No. 081608

MCDERMOTT WILL & EMERY LLP  
600 13TH STREET, N.W.  
WASHINGTON DC 20005-3096

<i>In re</i> Application of:	:	
Kim, Ki-Ho et al.	:	<b>WITHDRAWAL FROM ISSUE</b>
Application No.: 11/529262	:	37 CFR 1.313
Filed: Sept. 29, 2006	:	
For: SEMICONDUCTOR MEMORY DEVICE FOR	:	
MEASURING INTERNAL VOLTAGE	:	

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 from issue because of unpatentability of at least one claim.

The US Patent and Trademark Office 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 Fee(s) 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 Fee(s) Due. If the application is abandoned, applicant may request either a refund or a credit to a Deposit Account.

Any question regarding this communication should be directed to Amir Zarabian , Supervisory Patent Examiner, at (571) 272-1852.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.

  
 \_\_\_\_\_  
 Janice Falcone, Director  
 Technology Center 2800  
 Semiconductors, Electrical and Optical  
 Systems and Components

Art Unit: 2827

### **DETAILED ACTION**

1. In response to the Communications dated May 16, 2008 through July 9, 2008, claims 1 and 3-17 are active in this application.

In view of the newly found reference, the indication of allowance of the claims has been withdrawn.

### ***Specification***

2. If there are cross-reference to related applications, please include the respective patent numbers, if known.

### ***Information Disclosure Statement***

3. The information disclosure statements filed July 9, 2008 have been considered, in part. The Korean Office Action listed on the 1449 form has not been considered since it was not submitted.

### ***Claim Objections***

4. Claims 4, 5, 7-9, 14 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections- 35 U.S.C. § 102***

5. 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:

Art Unit: 2827

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(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, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; 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 a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

6. Claims 1, 3 and 6 are rejected under 35 U.S.C 102(b) as being anticipated by Hosogane et al. [U.S. Patent # 6,549,480].

With respect to claim 1, Hosogane et al. disclose, in figures 3-8, a semiconductor memory device, comprising a plurality of internal voltage measuring units, each for driving data input from a memory bank to output the data when a test signal is deactivated, and outputting a corresponding one of internal voltages used in the semiconductor memory device when the test signal is activated wherein each of the plurality of internal voltage measuring units includes: an input/output (I/O) pad [7b]; a data output driving unit [PQ3, PQ1 and NQ1] for pulling up an input voltage to a first voltage level [Vcc] or pulling down the input voltage to a second voltage level [ground] in response to logic levels of the data input from the memory bank [high or low of signal intQ], and outputting the pulled-up or pull-down voltage to the I/O pad [column 12, lines

Art Unit: 2827

46-49]; and a voltage output unit [2b and PQ2], connected to the data output driving unit, for receiving the corresponding one of the internal voltages [Vpp] and outputting the corresponding internal voltage to the I/O pad when the test signal is activated. It is noted that when DU is high, BDU is high and /BDU is low, PQ2 is on Vpp is transmitted from 2b to 7b.

With respect to claim 3, Hosogane et al. disclose, in figures 3-8, the test signal has the first voltage level when the test signal is activated, and has the second voltage level when the test signal is deactivated. Test signal is DU [see column 11, line 1].

With respect to claim 6, Hosogane et al. disclose, in figures 3-8, the voltage output unit receives a second power supply voltage [VPP] higher than the first voltage level, and outputs the second power supply voltage to the I/O pad when the test signal is activated. See column 11, line 1.

7. Claims 10 and 11 are rejected under 35 U.S.C 102(b) as being anticipated by Hosogane et al. [U.S. Patent # 6,549,480].

With respect to claim 10, Hosogane et al. disclose, in figures 3-8, an internal voltage measuring apparatus of a semiconductor memory device, comprising: an input/output (I/O) pad [7b]; a data output driving unit [PQ3, PQ1 and NQ1] for pulling up an input voltage to a first voltage level [Vcc] or pulling down the input voltage to a second voltage level [ground] in response to logic levels of the data input from a memory bank [high or low logic of signal intQ], and outputting the pulled-up or pull-down

Art Unit: 2827

voltage to the I/O pad [column 12, lines 46-49]; and a voltage output unit [2b and PQ2], connected to the data output driving unit, for receiving a first power supply voltage [Vpp] lower than the first voltage level and higher than the second voltage level, and outputting the first power supply voltage to the I/O pad when a test signal is activated [column 11, line1].

With respect to claim 11, Hosogane et al. disclose, in figures 3-8, the voltage output unit includes: an inverter [within 20] for inverting a phase of the test signal to output a test bar signal; and a pass gate [within 21] for outputting the first power supply voltage to the I/O pad in response to the test signal and the test bar signal. It is noted that when DU is high, BDU is high and /BDU is low, PQ2 is on Vpp is transmitted from 2b to 7b.

8. Claims 12 and 13 are rejected under 35 U.S.C 102(b) as being anticipated by Hosogane et al. [U.S. Patent # 6,549,480].

With respect to claim 12, Hosogane et al. disclose, in figures 3-8, an internal voltage measuring apparatus for a memory device, comprising: an input/output (I/O) pad [7b]; a data output driving unit [PQ3, PQ1 and NQ1] for pulling up an input voltage to a first voltage level [Vcc] or pulling down the input voltage to a second voltage level [ground] in response to logic levels of data input from a memory bank [high or low logic of signal intQ, see column 10, lines 58-60], and outputting the pull-up or pull-down voltage to the I/O pad [column 12, lines 46-49]; and a voltage output unit [2b and PQ2],

Art Unit: 2827

connected to the data output driving unit, for receiving a second power supply voltage [Vpp] higher than the first voltage level, and outputting the second power supply voltage to the I/O pad when a test signal [DU] is activated [column 11, line 1].

With respect to claim 13, Hosogane et al. disclose, in figures 3-8, the test signal has the first voltage level when the test signal is activated, and has the second voltage level when the test signal is deactivated. The test signal DU has a low and high logic with regards to the elements it is coupled to. See figure 3.

9. Claims 15 and 16 are rejected under 35 U.S.C 102(b) as being anticipated by Hosogane et al. [U.S. Patent # 6,549,480].

With respect to claim 15, Hosogane et al. disclose, in figures 3-8, an internal voltage measuring apparatus for a memory device, comprising: an input/output (I/O) pad [7b]; a data output driving unit [PQ3, PQ1 and NQ1] for pulling up an input voltage to a first voltage level [Vcc] or pulling down the input voltage to a second voltage level [ground] in response to logic levels of data input from a memory bank [high or low logics of signal intQ], and outputting the pull-up or pull-down voltage to the I/O pad [column 12, lines 46-49]; and a voltage output unit [2b and PQ2], connected to the data output driving unit, for receiving a third power supply voltage [Vpp] lower than the second voltage level, and outputting the third power supply voltage to the I/O pad when a test signal [DU, column 11, line 1] is activated. It is noted that when DU is high, BDU is high and /BDU is low, PQ2 is on Vpp is transmitted from 2b to 7b.

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With respect to claim 16, Hosogane et al. disclose, in figures 3-8, the test signal has the first voltage level when the test signal is activated, and has the second voltage level when the test signal is deactivated. The test signal DU has a low and high logic with regards to the elements it is coupled to. See figure 3.

### ***Allowable Subject Matter***

10. The following is an Examiner's statement of reasons for the indication of allowable subject matter: the prior art of records does not show (in addition to the other elements in the claim) the following:

- the voltage output unit receives a first power supply voltage lower than the first voltage level and higher than the second voltage level, and outputs the first power supply voltage to the I/O pad when the test signal is activated.
- The voltage output unit includes: an inverter for inverting a phase of the test signal to output a test bar signal; a level-up shifter for increasing a voltage level of the test bar signal to output a test bar up signal, the test bar up signal having a voltage level higher than the second power supply voltage when the test bar up signal is activated; and a pass gate for outputting the second power supply voltage to the I/O pad in response to the test signal and the test bar up signal.
- the voltage output unit receives a third power supply voltage lower than the second voltage level, and outputs the third power supply voltage to the I/O pad when the test signal is activated.
- the voltage output unit includes: an inverter for inverting a phase of the test signal to output a test bar signal; a level-up shifter for increasing a voltage level of the test bar signal to output a test bar up signal, the test bar up signal having a voltage level higher than the second power supply voltage when the test bar up signal is activated; and a pass gate for outputting the second power supply voltage to the I/O pad in response to the test signal and the test bar up signal.
- the voltage output unit includes: an inverter for inverting a phase of the test signal to output a test bar signal; a level-down shifter for decreasing a voltage level of the test signal to output a test down signal, the test down signal having a voltage level lower than the third power supply voltage when the test down signal is

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deactivated; and a pass gate for outputting the third power supply voltage to the I/O pad in response to the test signal and the test down signal.

### ***Conclusion***

11. When responding to the Office action, Applicants are advised to provide the Examiner with line and page numbers of the application and/or references cited to assist the Examiner in the prosecution of this case.

12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Michael T. Tran whose telephone number is (571) 272-1795. The Examiner can normally be reached on Monday-Thursday from 7:30-6:00 P.M.

13. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1650.

/Michael T. Tran/  
Michael T. Tran  
Art Unit 2827  
August 18, 2008