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KLA Tencor c/o MoFo
425 Market Street
San Francisco, CA 94105-2482

Mail Date: 04/21/2010

Applicant	: Jon Opsal	: DECISION ON REQUEST FOR
Patent Number	: 7613598	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/542,806	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/04/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **654** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Beyer Law Group LLP/ NSC
P.O.Box 1687
Cupertino, CA 95015-1687

Mail Date: 04/20/2010

Applicant	: Viraj A. Patwardhan	: DECISION ON REQUEST FOR
Patent Number	: 7642175	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/542,817	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/03/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **523** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

SCHERING-PLOUGH CORPORATION
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530

In re Application of :
Guzi et al. :
Application No. 11/542833 : ON REQUEST FOR
Filing or 371(c) Date: 10/04/2006 : RECONSIDERATION OF
Attorney Docket Number: OC01618K2 : PATENT TERM ADJUSTMENT

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(b), filed June 29, 2009. Applicant submits that the correct patent term adjustment to be indicated on the patent is 351days, not 286 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent.

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

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

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

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

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

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

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

Telephone inquiries specific to this decision should be directed to Attorney Derek Woods at (571) 272-3232.

Alesia Brown
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

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

Mail Date: 04/20/2010

Applicant	: Yung-Hsing Wang	: DECISION ON REQUEST FOR
Patent Number	: 7652835	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/542,844	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/04/2006	: 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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BEYER LAW GROUP LLP/APPLE INC.
P.O. BOX 1687
CUPERTINO, CA 95015-1687

Mail Date: 04/20/2010

Applicant	: Chris Ligtenberg	: DECISION ON REQUEST FOR
Patent Number	: 7646613	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/542,873	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/03/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **662** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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HOXIE & ASSOCIATES LLC
75 MAIN STREET
SUITE 301
MILLBURN, NJ 07041

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OFFICE OF PETITIONS

In re Application of	:	
Oather A McClung,, Jr.	:	
Application No. 11/542,876	:	DECISION ON PETITION
Filed: October 4, 2006	:	TO WITHDRAW
Attorney Docket No. OM-01	:	FROM RECORD
	:	

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 2, 2008.

The request is **APPROVED**.

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

The request was signed by Thomas Hoxie on behalf of all attorneys of record who are associated with customer No. 50446. All attorneys/agents associated with the Customer Number 50446 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 July 30, 2008 that requires a reply from the 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: OATHER A. MCCLUNG, JR.
6414 EMERALD DRIVE
ROCKIN, CA 95677

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/542,876	10/04/2006	Oather A. McClung JR.	OM-01

CONFIRMATION NO. 5707

POWER OF ATTORNEY NOTICE

50446
HOXIE & ASSOCIATES LLC
75 MAIN STREET , SUITE 301
MILLBURN, NJ 07041

Date Mailed: 12/31/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/02/2008.

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

/amwise/

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

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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
11/542,880	10/04/2006	3624	1400	CAS-2006US01		24	4

CONFIRMATION NO. 5691

CORRECTED FILING RECEIPT

OC000000021619577

Kevin M. Farrell
Pierce Atwood
Suite 350
One New Hampshire Avenue
Portsmouth, NH 03801

Date Mailed: 12/14/2006

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

Applicant(s)

Robert A. Olson, Hopkinton, NH;
James W. Bohlig, Cuttingville, VT;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 10/24/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/542,880

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

REC credit distribution system and method

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.

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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GREENVILLE SC 29616-1029

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JAN 19 2007

OFFICE OF PETITIONS

In re Application of

SHERMAN
Application No. 11/542,889
Filed: October 4, 2006
Attorney Docket No. DFS-1

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

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

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence, such as a doctor's certificate or other medical certificate, showing that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required

The instant petition does not include a statement from applicant's physician attesting to the applicants medical condition.

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

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

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

By FAX: (571) 273-8300

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

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

The application is being forwarded to the Technology Center Art Unit 3721 for action in its regular turn.

Amelia Au
Petitions Examiner
Office of Petitions

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P. O. BOX 26029
GREENVILLE SC 29616-1029

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MAR 15 2007

OFFICE OF PETITIONS

In re Application of :
SHERMAN, Dendy F. :
Application No. 11/542,889 : DECISION ON PETITION
Filed: October 4, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. DFS-1 : 37 CFR 1.102(c)(1)
:

This is a decision on the renewed petition under 37 CFR 1.102(c)(1), filed March 1, 2007, to make the above-identified application special based on applicant's health as set forth in M.P.E.P. § 708.02, Section III.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence, such as a doctor's certificate or other medical certificate, showing that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required

The instant petition does not include evidence such as a doctor's certificate or other medical certificate attesting to applicant's medical condition. The "prescription note" submitted is not considered sufficient evidence. The evidence should be clearly stated in layman's terms indicating applicants condition, including the statement "that the applicant's health is such that he might not be available to assist in the prosecution of the application if it were to run its normal course" and should be on office letterhead signed by a medical physician.

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

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
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By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions

Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to 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 3636 for action in its regular turn.

Monica A. Graves
Petitions Examiner
Office of Petitions

Conferee:
Amelia Au

OIPE IAP66
MAR 01 2007
PATENT & TRADEMARK OFFICE

CAROLINA INTERNAL MEDICINE, P.A.
JAMES P. PITTMAN, M.D.
LIC. # 7609
SUDHIRKUMAR C. PATEL, M.D.
LIC. # 14686
SIDDESHA A. ARASHINAGUNDI, M.D.
LIC. # 19948
1208 AUGUSTA STREET
GREENVILLE, SC 29605
(864) 271-3930 (864) 232-2384 FAX

NAME Dendy Sherman AGE

ADDRESS DATE 10/13/06

Rx ILLEGAL IF NOT SAFETY BLUE BACKGROUND

B

Mr Dendy Sherman
has advanced COPD, Ca Lung
Sleep Apnea
Chronic Pain Syndrome
Overall prognosis is guarded.

Refill _____ times

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DISPENSE AS WRITTEN

SUBSTITUTION PERMITTED

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OFFICE OF PETITIONS

In re Application of

SHERMAN
Application No. 11/542,889
Filed: October 4, 2006
Attorney Docket No. DFS-1

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

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

The petition is **DISMISSED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence, such as a doctor's certificate or other medical certificate, showing that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required

The instant petition does not include a statement from applicant's physician attesting to the applicants medical condition.

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

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

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

By FAX: (571) 273-8300

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

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

The application is being forwarded to the Technology Center Art Unit 3721 for action in its regular turn.

Amelia Au
Petitions Examiner
Office of Petitions

Docket No. WGS-02 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1742

Applicant(s) : William G. Shippen
Serial No. : 11-542897
Filed : 10-4-06
For : APPARATUS FOR ENABLING FABRICATION OF ACCURATE ANGULAR CUTS IN A PIPE

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

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

SIR:

The undersigned attorney for Applicant on his behalf hereby petitions under 37 CFR 1.102(c)(1) to have his above-identified patent application made special and thus receive accelerated examination on the basis of APPLICANT'S STATEMENT attached hereto that he is more than 65 years of age at the time of filing of this application. No fee is required with the filing of this petition.

Respectfully submitted,

John R. Flanagan

John R. Flanagan
Reg. No. 25758
Attorney for Applicant

Date: Oct 4, 2006

P.O. Box 2629
Eugene, OR 97402
(541) 687-4754
Fax: (541) 687-5707

PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700

NOV - 7 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAMES M. HUNTER, JR.
100 PARSONS POND DRIVE
FRANKLIN LAKES, NJ 07417

MAILED

OCT 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Epstein et al.	:	
Application No. 11/542,898	:	ON PETITION
Filed: October 4, 2006	:	
Attorney Docket No. MH042	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 21, 2009, to revive the above-identified application.

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. Ketan Kadiwala 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. If, Mr. Kadiwala 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 Mr. Kadiwala, 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.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, November 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 February 25, 2009. A Notice of Abandonment was mailed June 22, 2009.

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

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $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 3686 for further examination on the merits.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: KETAN KADIWALA
WILMER CUTLER PICKERING HALE AND DORR LLP
1875 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20006

UNITED STATES PATENT AND TRADEMARK OFFICE

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LEV INTELLECTUAL PROPERTY CONSULTING
4766 MICHIGAN BOULEVARD
YOUNGSTOWN OH 44505

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JUN 20 2008

OFFICE OF PETITIONS

In re Application of :
Eugene Miller :
Application No. 11/542,906 : ON PETITION
Filed: October 4, 2006 :
Attorney Docket No. 0247-001(a) :

This is a decision on the petition filed May 16, 2008, 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.**

This application became abandoned November 6, 2007 for failure to timely reply to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed October 5, 2007. The Notice set a one month period for reply from the filing of the September 27, 2007 amendment, filed in response to a non-Final Office Action. No response having been filed, a Notice of Abandonment was mailed April 30, 2008.

The file record discloses that the Notice of Non-Compliant Amendment (37 CFR 1.121) was mailed to what was believed to be the address of record. However, petitioner contends that it was not received

Unfortunately, the requirement under 37 CFR 1.181, that copies of the actual docket records or file jacket be provided, has not been met. In a petition under 37 CFR 1.181 the petitioner must show, as in this instance where non-receipt is claimed that petitioner is without fault in not receiving the communication. In the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record. This presumption may be overcome by a showing that the Office action was not in fact received at the address of record.

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

ALTERNATIVE VENUES

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(a)[1] or 37 CFR 1.137(b),[2] 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]A grantable petition under 37 CFR 1.137(a) must be accompanied by:

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

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

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

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

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

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

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

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

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

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4766 MICHIGAN BOULEVARD
YOUNGSTOWN OH 44505

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SEP 17 2008

In re Application of :
Eugene Miller :
Application No. 11/542,906 : ON PETITION
Filed: October 4, 2006 :
Attorney Docket No. 0247-001(a) :

This is a decision on the request for reconsideration filed August 14, 2008, 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 November 6, 2007 for failure to timely reply to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed October 5, 2007. The Notice set a one month period for reply from the filing of the September 27, 2007 amendment, filed in response to a non-Final Office Action. No response having been filed, a Notice of Abandonment was mailed April 30, 2008.

A petition filed May 16, 2008 was dismissed in a decision mailed June 20, 2008 because while statements were presented to substantiate the claim of non-receipt, no other corroborating evidence to prove non-receipt was presented

Comes now petitioner with copies of the docket report, wherein receipt of the Notice of Non-Compliant Amendment mailed October 5, 2007 would have been filed, had it been received. To show that the Notice mailed October 5, 2007 was not received, petitioner also explains that after searching the docket and 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 docket record for the instant matter show no entry indicating receipt of the Notice of Non-Compliant Amendment mailed October 5, 2007, it is apparent that it was not received. The evidence submitted corroborates non-receipt of the Notice of Non-Compliant Amendment.

In view of the facts set forth in the petition, it is concluded that the Notice of Non-Compliant Amendment was never received at the address of record. Accordingly, the holding of abandonment is withdrawn and no petition fee is due.

A response to the Notice of Non-Compliant Amendment mailed October 5, 2007 was filed May 16, 2008. This matter is being referred to Technology Center 3632 for treatment of the response, supplemental amendment, filed May 16, 2008, as appropriate.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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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February 11, 2009

Sheree Lynn Rybak
One World Trade Center
Suite 1600
121 S.W. Salmon Street
Portland, OR 97204

Patent No.: PP18,551 P2
Application No.: 11/542,919
Inventor(s): Terri C. Poindexter
Issued: March 4, 2008
Title: *HEUCHERA* PLANT NAMED 'MIDNIGHT ROSE'

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

APR 2 3 2009

OFFICE OF PETITIONS

In re Patent No. PP18551

Issue Date: March 4, 2008

Application No. 11/542,919

Filed: October 3, 2006

Attorney Docket No. **4072-76390-01**

ON PETITION

This is a decision on the petition filed March 27, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee data on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **granted**.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

The file is being forwarded to the Certificate of Correction Branch for issuance of the requested Certificate of Correction which was filed on January 29, 2009.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

[1] See *Official Gazette* of June 22, 2004.

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MERCK
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530

MAILED

JUN 29 2010

OFFICE OF PETITIONS

In re Application :
Kamil Paruch et al. :
Application No. 11/542,921 : DECISION ON APPLICATION
Filed: October 4, 2006 : FOR PATENT TERM ADJUSTMENT
Attorney Docket No. OC06284US01 :

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b) filed April 15, 2010. Applicant requests that the determination of patent term adjustment be corrected from 211 to 584 days. Applicant requests this correction in part on the basis that the Office will take in excess of three years to issue this patent and in light of the recent court decision in Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008).

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

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the patent term adjustment relating to those provisions until the patent has issued.

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

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

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

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

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

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Anthony Knight
Director
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Thomas Spinelli
Scully, Scott, Murphy & Presser
Suite 300
400 Garden City Plaza
Garden City, NY 11530

Mail Date: 04/21/2010

Applicant	: Shinji Yasunaga	: DECISION ON REQUEST FOR
Patent Number	: 7635229	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/542,925	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/04/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **458** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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P.O. Box 1450
Alexandria, VA 22313-1450
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JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

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FEB 04 2010

In re Application of
David Renwick HOUCK
Application No. 11/542,930
Filed: October 02, 2006
Attorney Docket No. 11462-012-999

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed January 28, 2010, requesting expedited consideration of the petition under 37 CFR 1.137(b) filed January 26, 2010, to revive the above-identified application.

The petition under 37 CFR 1.182 for expedited consideration is **GRANTED.**

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 07, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 08, 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 amendment, (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of July 07, 2009 is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555.00 extension of time fee submitted with the petition on January 26, 2010 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

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

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

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

This application is being referred to Technology Center AU 1654 for appropriate action by the Examiner in the normal course of business on the reply received.

Michelle R. Eason
Paralegal Specialist
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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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

COPY MAILED

DEC 2 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Sung Chul Choi	:	
Application No. 11/542,940	:	DECISION GRANTING PETITION
Filed: October 5, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 3449-0708PUS1	:	

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

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

This application is being referred to Technology Center AU 2818 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

Terri Johnson
Petitions Examiner
Office of Petitions

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

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OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE, SUITE 100
SAN DIEGO, CA 92130-2040

In re Application of	:	
Steve LARSEN	:	
Application No. 11/542,949	:	DECISION ON PETITION
Filed: October 3, 2006	:	TO WITHDRAW
Attorney Docket No. 516342000101	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 14, 2008.

The request is **NOT APPROVED.**

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

The request cannot be approved because there is no indication that the acts noted above have been performed.

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: KENJI L. FUNAHASHI, ESQ.
BAKER & MCKENZIE, LLP
12544 HIGH BLUFF DRIVE
SUITE 300
SAN DIEGO, CA 92130

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OCT 30 2009

OFFICE OF PETITIONS

GORDON & REES LLP
101 WEST BROADWAY
SUITE 1600
SAN DIEGO, CA 92101

In re Application of :
Paul Cruz :
Application No. 11/542,954 :
Filed: October 3, 2006 :
Attorney Docket No. ISDV.003A :

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 30, 2008.

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

A review of the file record indicates that the power of attorney to practitioners associated with Gordon & Rees, LLP was revoked by the assignee of the patent application on July 9, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 6059.

Alicia Kelley
Petitions Examiner
Office of Petitions

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

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Fox Rothschild LLP
Bristol-Myers Squibb
2000 Market Street, 10th Floor
Philadelphia, PA 19103

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APR 2 7 2009

OFFICE OF PETITIONS

In re Application of :
Robert G. JOHNSON JR, et al. :
Application No. 11/542,960 : DECISION ON PETITIONS UNDER
Filed: October 3, 2006 : 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. **010147.02** :

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed January 28, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **GRANTED.**

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

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

37 CFR §§ 1.78(a)(3) and 1.78(a)(6) require a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §§1.78(a)(3) and 1.78(a))(6). If this is not a correct

reading of the statement appearing in the petition, petitioner should promptly notify the Office.

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 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 1642 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.

Thurman K. Page
Petitions Examiner
Office of Petitions

ATTACHMENT : Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/542,960	10/03/2006	1642	1895	010147.02	41	10

CONFIRMATION NO. 6416

CORRECTED FILING RECEIPT

81228
Fox Rothschild LLP
Bristol-Myers Squibb
2000 Market Street
10th Floor
Philadelphia, PA 19103

Date Mailed: 04/27/2009

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)

Robert G. Johnson JR., Lafayette, CA;
Alison L. Hannah, Sebastopol, CA;
Gillian F. Cropp, San Francisco, CA;
Yiqing Zhou, Orange Village, OH;
J. Michael Sherrill, Danville, CA;

Power of Attorney: The patent practitioners associated with Customer Number 81228

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/731,143 10/28/2005
and claims benefit of 60/748,987 12/07/2005
and is a DIV of 11/056,470 02/11/2005 PAT 7,405,208
which is a DIV of 10/212,962 08/05/2002 PAT 6,872,715
which claims benefit of 60/310,779 08/06/2001
and claims benefit of 60/389,255 06/14/2002
and claims benefit of 60/393,929 07/03/2002
and claims benefit of 60/395,275 07/12/2002

Foreign Applications

If Required, Foreign Filing License Granted: 10/23/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/542,960**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****
Title

Method of treating breast cancer using 17-AAG or 17-AG or a prodrug of either in combination with a HER2 inhibitor

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

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TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6731

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JAN 22 2007

OFFICE OF PETITIONS

In re Application of :
Yin : DECISION ON PETITION
Application No. 11/542,967 :
Filed: October 4, 2006 :
Atty. Dkt. No.: 254758 :

This decision is in response to the petition under 37 CFR 1.10, filed December 11, 2006, to accord the above-identified application a filing date of October 4, 2006.

Petitioners allege that the instant application was deposited in Express Mail service October 4, 2006. As supporting evidence, petitioners have provided a copy of an Express Mail label bearing tracking number EV708757577US (the same Express Mail number found on the application transmittal letter accompanying the original application papers located in the official file) and a "date-in" of October 4, 2006.

In view of the above, the petition under 37 CFR 1.10(c) to accord the above-identified application a filing date of October 4, 2006 is hereby **GRANTED**.

No fee is due in connection with this petition. Petitioners may request a refund of the previously submitted petition fee of $130.00 by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

This application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of October 4, 2006.

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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Gottlieb, Rackman & Reisman, PC
270 Madison Avenue
8th Floor
New York, NY 10016-0601

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JAN 24 2008

OFFICE OF PETITIONS

In re Application of :
Fred Runnels et al. :
Application No. 11/542,996 : DECISION ON PETITION
Filed: October 4, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. 4470-006 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 17, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a photocopy of co-inventor Walter Dandliker's birth certificate. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 1796 action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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KNECHTEL, DEMEUR & SAMLAN
525 W. MONROE STREET, SUITE 2360
CHICAGO IL 60661

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NOV 19 2007

OFFICE OF PETITIONS

In re Application of
Jason Zajicek et al.
Application No. 11/543,000
Filed: October4, 2006
Attorney Docket No. Penda-Truck Bed Cover

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition filed on October 4, 2006 under 37 CFR 1.47.

The petition is **GRANTED**.

The above-identified application was filed on October 4, 2006 with the application, naming Jason Zajicek and Scott Burmeister as joint inventors. The oath or declaration filed with the application was signed by joint inventor Zajicek but not by joint inventor Burmeister. The instant petition filed with the application seeks status under 37 CFR 1.47, claiming that joint inventor Burmeister refuses to join in the application.

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

The petition bears proof that the application papers were sent to the non-signing inventor at his last known residence address, that to date, he has not returned an executed oath or declaration. The fact that he has been forwarded the application papers and has not to date returned any executed documents, we will construe his actions to be that of a refusal to cooperate with the filing of the instant application.

The petition fee in the amount of $200.00 has been applied.

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

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of

this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing (OPAP) 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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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Thomas Beretich
P.O. Box 686
Yarmouth ME 04096

MAILED
JUN 10 2010
OFFICE OF PETITIONS

In re Application of :
THOMAS MCPHAIL BERETICH :
Application No. 11/543,001 : DECISION DISMISSING PETITION
Filed: October 4, 2006 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. BERETICH-BILJANA :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed March 25, 2010, to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of prior-filed provisional Application No. 60/723, 696, filed October 5, 2005.

The petition is **DISMISSED**.

A petition under 37 CFR 1.78(a)(6) for acceptance of a delayed benefit claim 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)(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(e) and 37 CFR 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition fails to comply with item (1) above.

The amendment as drafted is unacceptable, and therefore, is not considered a proper reference under 37 CFR 1.78(a)(5)(i). In this regard, the amendment is physically part of the petition, and as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

Moreover, the amendment is not acceptable as drafted because it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. 119(e) after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. 119(e) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP 201.06(c) and 608.04(b).

If reconsideration of this decision is desired, a renewed petition under 37 CFR 1.78(a)(6) and a Supplemental Application Data Sheet or an amendment (complying with 37 CFR 1.121, 37 CFR 1.76 and 37 CFR 1.33(b)) to correct the above matters are required. No additional petition fee is necessary. The Office notes that 37 CFR 1.33(b) requires that amendments and other papers, except for written assertions pursuant to 37 CFR 1.27(c)(2)(ii), filed in an application must be signed by an appropriate party. Therefore, any supplemental ADS or amendment submitted with a renewed petition must be signed in accordance with 37 CFR 1.33(b) and commence on a separate paper from the petition.

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

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

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

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

Correspondence may also be submitted via the electronic filing system of the USPTO.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SUSAN F. JOHNSTON
PO BOX 4449
JOHNSON CITY, TN 37602

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MAY 25 2007

OFFICE OF PETITIONS

In re Application of Keane :
Application No. 11/543,013 : Decision on Petition
Filing Date: October 3, 2006 :
For: Electric Mattress and Mattress Pad :

This is a decision in response to the paper filed December 29, 2006, which is being treated as a petition under 37 CFR 1.57(a)(3) requesting that the above-referenced application be accorded a filing date of October 3, 2006.

The petition is **granted**.

Application papers were filed October 3, 2006.

The Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" on October 24, 2006. The Notice stated in part that 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, applicants timely filed this petition.

Petitioner has supplied an amendment to add the inadvertently omitted drawings. Petitioner states the drawings to be added are "copied from U.S. Ser. No. 10/910,102."[1] The first sentence of the specification filed October 3, 2006, states in part, "This is a continuation-in-part of U.S. application Ser. No. 10/910,102."

Petitioner requests the amendment be entered and the application be accorded a filing date of October 3, 2006.

For applications filed on or after September 21, 2004, one may add inadvertently omitted material needed for a filing date to an application and be accorded a filing date as of the original

[1] The Office interprets petitioner's comment to be an indication the drawings are a true and exact copy of the drawings submitted in the parent application. If this is not the case, then petitioner must notify the Office. Of course, the primary examiner is expected to compare the instant drawings to the disclosure of the parent application in order to verify that the specification and drawings are, in fact, parts of the disclosure of the prior application.

date of deposit of the application paper upon the filing of a grantable petition under 37 CFR 1.57(a)(3).

In order to obtain relief under 37 CFR 1.57(a)(3), one must,

(1) submit the petition fee set forth in 37 CFR 1.17(f),
(2) demonstrate the originally filed application papers included a claim for priority under 37 CFR 1.55 or 37 CFR 1.78,
(3) identify where the inadvertently omitted material can be found in a prior-filed application,
(4) demonstrate the omitted material is "completely contained" in a prior application,
(5) file an amendment to add the inadvertently omitted material,
(6) supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111,
(7) supply an English language translation of any prior-filed application that is in a language other than English, and
(8) comply with the time requirements set forth in 37 CFR 1.57(g).

Petitioner has satisfied the requirements set forth above.

The $400.00 petition fee will not be refunded because petitioner's failure to submit a complete copy of the application necessitated the filing of the present petition.

The Office of Initial Patent Examination will be informed of the instant decision and will process the application with a filing date of October 3, 2006, using the papers filed on October 3, 2006, and the 11 sheets of drawings filed December 29, 2006.

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

Charles Pearson
Director
Office of Petitions

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Eiji Furukawa	: DECISION ON REQUEST FOR
Patent Number	: 7634750	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/543,029	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **609** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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P.O. BOX 8910
RESTON VA 20195

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MAR 21 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
HONG, MIN CHEOL	:	DECISION ON REQUEST TO
Application No. 11/543,075	:	PARTICIPATE IN PATENT
Filed: October 5, 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. 63000-4/US/DVE	:	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.
11/543,105	10/05/2006	Yosuke Sakasegawa	SAKA3011/GAL	6643

7590 09/17/2009

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

EXAMINER	
TRAN, THAI Q	
ART UNIT	**PAPER NUMBER**
2621	
MAIL DATE	**DELIVERY MODE**
09/17/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Repln. Ref: 09/17/2009 NFARMER 0017354808
DAM:020200 Name/Number:11543105
FC: 9294 $500.00 CR

Adjustment date: 09/17/2009 NFARMER
10/06/2006 SSITHIB1 00000077 11543105
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON DC 20006-1021

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OFFICE OF PETITIONS

In re Application of :
Sallen Rosello, et al. :
Application No. 11/543,119 : ON PETITION
Filed: October 5, 2006 :
Attorney Docket No. 2006_1702A :
For: BORDER PROTECTOR FENCE SYSTEM

This is a decision on the petition under 37 CFR 1.181, filed July 11, 2007, to withdraw 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 respond in a timely manner to the October 30, 2006 Notice To File Missing Parts, mailed on October 30, 2006, which set an extendable two month period for reply. The Office has no record of receiving an extension of time or a reply to the October 30, 2006 Notice To File Missing Parts in application no. 11/543,119. Therefore, the Office considered the application abandoned on December 31, 2006. A Notice of Abandonment was mailed July 3, 2007.

Petitioners assert that a proper response in the form of an executed declaration, a $65.00 surcharge, and a request for a two month extension of time and $225.00 fee were timely filed on February 28, 2007. Petitioners explain that through inadvertent error, petitioners listed the application number as 10/543,119 on the February 28, 2007 correspondence. Therefore, the correspondence was not associated with application no. 11/543,119's file.

A review of the copy of the correspondence shows that petitioners cited application no. 10/543,119. A review of the contents of the application no. 10/543,119 reveals that the February 28, 2007 correspondence is present.

Even though petitioners cited the wrong application number on the correspondence, under MPEP 502, " A minor error in the identification of the application can be corrected by the group provided the correct identification can be quickly discovered. Examples of minor errors are transposed numbers, typographical errors, and listing the parent application number." The undersigned believes that a relatively simple review of Office records would have yielded the correct application number to enable the Office to match the February 28, 2007 correspondence

with this application file. A cross-referencing of any of the accurate identifiers found on the correspondence with Office databases would have revealed the typographical error.

The undersigned will request that the February 28, 2007 be removed from the file of application no. 10/543,119 and placed in the file of the above-identified application. Financial records will be altered appropriately.

The executed declaration and $65.00 surcharge were timely filed. Accordingly, the petition is **GRANTED**, the Notice of Abandonment is hereby vacated, and the holding of abandonment withdrawn.

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

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

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

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

Mail Date: 04/21/2010

Applicant	: Shinichi Nishiyama	: DECISION ON REQUEST FOR
Patent Number	: 7643285	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/543,129	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **301** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P. O. BOX 14300
WASHINGTON, DC 20044-4300

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OFFICE OF PETITIONS

In re Application of	:	
Yutaka Takaku et al	:	
Application No. 11/543,191	:	DECISION DISMISSING PETITION
Filed: October 5, 2006	:	UNDER 37 CFR 1.313(a)
Attorney Docket No. 056210.41640C6	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 29, 2007, which is being treated as a petition under 37 CFR 1.313(a) requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on September 28, 2007, with the issue fee (and publication fee) being due on or before December 28, 2007. The record for this case fails to show that the issue (and publication) fee has been paid.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of a Request for Continued Examination (RCE) and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. *Note* MPEP §§ 706.07(h)(IX) and 1308.

As authorized, the $810 fee for the RCE will be charged to petitioner's deposit account. No fee is due for the petition to withdraw from issue and none has been charged.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3218.

The matter is being referred to Technology Center AU 3748 for appropriate processing of the RCE filed October 29, 2007, and for consideration of the concurrently filed Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

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401 9TH STREET NW
SUITE 900
WASHINGTON DC 20004-2128

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OFFICE OF PETITIONS

In re Application of :
Justice, et al. :
Application No. 11/543,221 : ON PETITION
Filed: October 5, 2006 :
Attorney Docket No. 042803-8 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed August 30, 2007.

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

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Missing Parts, mailed October 26, 2006. This Office action set an extendable period for reply of two (2) months. No extensions of time under 37 CFR 1.136(a) were obtained. No reply having been received, the application became abandoned on December 27, 2006. A Notice of Abandonment was mailed on June 28, 2007.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of a reply to the Notice to File Missing Parts (declaration and surcharge for its late filing).

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $2160 extension of time fee submitted with the petition on August 30, 2007 was subsequent to the maximum period obtainable for reply (May 26, 2007), this fee has been refunded to petitioner's Deposit Account 19-2380.

The matter is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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P.O. BOX 2550
SALT LAKE CITY UT 84110

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MAY 23 2008

In re Application of	:	
Raymond J. Beffa	:	
Application No. 11/543,246	:	DECISION GRANTING PETITION
Filed: October 3, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2269-3039.6US (96-0969.06	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 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 April 8, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2125 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy
Petitions Examiner
Office of Petitions

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

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

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OFFICE OF PETITIONS

In re Application of :
BEFFA, Raymond J. :
Application No. 11/543,246 :
Filed: October 3, 2006 :
Attorney Docket No. 2269-3039.6US (96-0969.06) :

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 October 3, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is GRANTED.

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

Petitioner is advised that the issue fee paid on September 5, 2008 *cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.*[1]

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

This application is being referred to Technology Center AU 2128 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Monica A. Graves
Petitions Examiner
Office of Petitions

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

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

Mail Date: 07/06/2010

Applicant	: James C. Baker	: DECISION ON REQUEST FOR
Patent Number	: 7668769	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/543,271	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/03/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **73** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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NASA AMES RESEARCH CENTER
ATTN: PATENT COUNSEL
MAIL STOP 202A-4
MOFFETT FIELD, CA 94035-1000

Mail Date: 04/20/2010

Applicant	: Sherwin J. Gormly	: DECISION ON REQUEST FOR
Patent Number	: 7655145	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/543,275	: 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 **403** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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SCOTT BOALICK
USPTO
600 DULANY STREET
ALEXANDRIA, VA 22313

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AUG 20 2007

OFFICE OF PETITIONS

In re Application of :

Chahee P. Cho et al. :
Application No. 11/543,283 :
Filed: September 28, 2006 :
Attorney Docket No. 96,697 :

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

The correspondence address of record remains unchanged.

There is no outstanding Office action at this time.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **OFFICE OF COUNSEL, CODE 004**
NAVAL SURFACE WARFARE CENTER, CARDEROCK DIVISION
9500 MACARTHUR BLVD.
WEST BETHESDA MD 20817

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LS01/Office of Chief Counsel
MSFC, AL 35812

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OFFICE OF PETITIONS

In re Application of :
Valentin Korman et al. :
Application No. 11/543,284 : ON PETITION
Filed: September 29, 2006 :
Attorney Docket No. MFS-32031-1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 2, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 24, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time were obtained. Accordingly, the date of abandonment of this application is January 25, 2009. A Notice of Abandonment was mailed on May 27, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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.

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

This application is being referred to Technology Center AU 3622 for processing of the RCE and any action that is required by the Examiner in the normal course of business.

Carl Friedman
Petitions Examiner
Office of Petitions

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CHICAGO, IL 60626

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OFFICE OF PETITIONS

In re Application of	:	
Moninski et al.	:	
Application No. 11/543,289	:	DECISION ON PETITION
Filed: October 3, 2006	:	
Attorney Docket No. SC-5397	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 22, 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 October 1, 2009, as required by the Notice of Allowance and Fee(s) Due mailed July 1, 2009. Accordingly, the application became abandoned on October 2, 2009. A Notice of Abandonment was mailed October 15, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571)272-6059.

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

Chris Bottorff
Petitions Examiner
Office of Petitions

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Gordan Skukan
Apt #1
1500 E. 3rd Street
Long Beach, CA 90802

COPY MAILED

JAN 16 2009

In re Application of	:	
Gordan I. Skukan	:	
Application No. 11/543,293	:	DECISION ON PETITION
Filed: April 2, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 20, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a photocopy of applicant's driver's license. Accordingly, the above-identified application has been accorded "special" status.

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

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center 3700 at 571-272-4904.

The application is being forwarded to the Technology Center Art Unit 3752 action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/543,322	10/04/2006	Jigish D. Trivedi	501188.09 (30174/US/8)

Kimton N. Eng, Esq.
DORSEY & WHITNEY LLP
Suite 3400
1420 Fifth Avenue
Seattle WA 98101

DATE MAILED: August 29, 2007

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

This is in response to the petition under 37 CFR 1.138(d) filed August 22, 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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Gauthier & Connors LLP
Suite 2300
225 Franklin Street
Boston, MA 02110

Mail Date: 04/21/2010

Applicant	: Juejun Hu	: DECISION ON REQUEST FOR
Patent Number	: 7599584	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/543,333	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **71** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 05/07/2010

Applicant	: Sudhir Kumar Madan	: DECISION ON REQUEST FOR
Patent Number	: 7630257	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/543,338	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/04/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **102** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OCT 09 2009

OFFICE OF PETITIONS

HOFFMAN & BARON, LLP
6900 Jericho Turnpike
Syosset, NY 11791

In re Application of	:	
George Rainer, et al.	:	
Application No. 11/543,359	:	DECISION ON PETITION
Filed: October 5, 2006	:	TO WITHDRAW
Attorney Docket No. 1660-2	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 10, 2009.

The request is **APPROVED**.

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

The request was signed by R. Glenn Schroeder on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed June 25, 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: **George Rainer**
All Pro Sports Academy
990 Station Road
Bellport, NY 11713

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/543,359	10/05/2006	George Rainer	1660-2

CONFIRMATION NO. 7171

23869
HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

POWER OF ATTORNEY NOTICE

OC000000038209459

Date Mailed: 10/09/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/10/2009.

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

/tsjohnson/

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

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GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
BLDG. K1-3A59
NISKAYUNA, NY 12309

Mail Date: 06/08/2010

Applicant	: Hua Wang	: DECISION ON REQUEST FOR
Patent Number	: 7642393	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/543,363	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **364** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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 N. HAYNES
1341 HUNTERSFIELD CLOSE
KESWICK, VA 22947

Mail Date: 04/21/2010

Applicant	: Michael N. Haynes	: DECISION ON REQUEST FOR
Patent Number	: 7652593	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/543,370	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **211** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE CT 06468

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JUN 20 2008

OFFICE OF PETITIONS

In re Application of	:	
Joseph M. Kryskow Jr. et al.	:	
Application No. 11/543,373	:	DECISION ON PETITION
Filed: October 3, 2006	:	PURSUANT TO
Attorney Docket No.: 402-127.005-1-2	:	37 C.F.R. § 1.181
Title: AUTO CONTROL OF NETWORK MONITORING AND SIMULATION	:	

This is a decision on the petition filed April 24, 2008, pursuant to 37 C.F.R. § 1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due (notice), mailed December 12, 2007, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue or publication fees[1]. Accordingly, the above-identified application became abandoned on March 13, 2008. A Notice of Abandonment was mailed on April 8, 2008.

With this petition, Petitioner has asserted that a response was not received, and has asserted that it was mailed to the wrong address.

Office records have been reviewed, and **it is clear that the notice was mailed to the wrong address**, as the address of record

1 See MPEP § 710.02(e).

is only a partial version of that which is associated with the Customer Number that appears on the declaration (P.O. Box 24 instead of 224).

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 communication was not received.

The concurrently submitted change of correspondence address has been entered and made of record.

Accordingly, the petition under 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

Pursuant to this decision, the Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the 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[2]. All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 03-14-09

TO SPE OF : ART UNIT 2154

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/543373 Patent No.: 7406532

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

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

Thank You For Your Assistance

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

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

Comments: _____

NATHAN FLYNN
~~SUPERVISORY PATENT EXAMINER~~

SPE 2454 **Art Unit**

Attorney's Docket No. 402-127.005-1-2 *PATENT*

OIPE MAR 09 2009 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Number:	**7,406,532**
Issued:	**July 29, 2008**
Application No.:	**11/543,373**
Name of Patentee:	**Kryskow, Jr. et al.**
Title of Invention:	***Auto control of network monitoring and simulation***

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

ATTENTION: Decision and Certificate of Correction
Branch of the Patent Issue Division

Certificate MAR 11 2009 of Correction

REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT FOR PTO MISTAKE (37 CFR 1.322(a))

1. Attached in duplicate is Form PTO-1050 with at least one copy being suitable for printing.

NOTE: Form PTO-1050, using the column and line number in the printed patent, should be used exclusively regardless of the length or complexity of the subject matter. MPEP § 1485.

NOTE: The patent grant should be retained by the patentee. The PTO does not attach the certificate of correction to the patentee's copy of the patent. The patent grant will be returned to the patentee if submitted. MPEP § 1485.

2. The exact page and line number where the errors are shown correctly in the application file are:

1. **Application filed October 03, 2006 at page 5, line 24.**
2. **Application filed October 03, 2006 at page 6, line 34.**

CERTIFICATE OF MAILING/TRANSMISSION UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING
☒ deposited with the United States Postal Service with sufficient postage as first-class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 04 March 2009

FACSIMILE
☐ transmitted by facsimile to the U.S. Patent and Trademark Office.

Signature

Annemarie Maher
(type or print name of person certifying)

MAR 11 2009

3. **Application filed October 03, 2006 at page 7, line 23.**
4. **Application filed October 03, 2006 at page 7, line 27.**
5. **Application filed October 03, 2006 at page 8, line 6.**
6. **Application filed October 03, 2006 at page 8, line 16.**
7. **Application filed October 03, 2006 at page 9, line 4.**
8. **Application filed October 03, 2006 at page 9, line 15**
9. **Application filed October 03, 2006 at page 10, line 2.**
10. **Application filed October 03, 2006 at page 10, line 9.**
11. **Application filed October 03, 2006 at page 11, line 9.**

NOTE: This information should be identified in this request, however, on Form PTO-1050, only the column and line number in the printed patent should be used. MPEP § 1485.

3. Please send the Certificate to:

Name: Francis J. Maguire
Ware, Fressola, Van Der Sluys & Adolphson LLP
Address: Bradford Green, Building Five, 755 Main Street, P.O. Box 224
Monroe, Connecticut 06468

(Complete, if applicable)

Signature(s) of patentee(s)

or

(type or print name of assignee)

Signature of assignee or person authorized to sign on behalf of assignee

[ ] Assignment recorded on

Date

Francis J. Maguire, Reg. No. 31,391
(type or print name of authorized person signing)

Reel
Frame

Attorney for Patentee
(Title of authorized person signing)

[ ] Recordal of assignment attached

[ ] Attached is a "CERTIFICATE UNDER 37 CFR 3.73(b)" establishing the right of the assignee to take action in this case.

NOTE: "A certificate of correction, under 35 U.S.C. 254, may be issued at the request of the patentee or his assignee." 37 CFR 1.322(a). The certificate of correction can be signed by the attorney of record who acts on behalf of the inventor(s) or assignee(s).

MAR 1 1 2008

PTO/SB/44 (10-96)
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also FormPTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.	:	7,406,532
DATED	:	July 29, 2008
APPLICATION NO.:		11/543,373
INVENTOR(S)	:	Kryskow, Jr. et al.
TITLE	:	*Auto control of network monitoring and simulation*

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

1. In column 3 at line 53, please delete "(Attorney Docket No. 402-127.3-1)" and insert --PCT/US01/05021-- therefor.
2. In column 4 at line 30, please delete " * " .
3. In column 4 at line 55, after "No." please insert --(PCT/US01/05119)--.
4. In column 4 at line 58, after "No." please insert --(PCT/US01/05021)--.
5. In column 5 at line 6, after "verified" please insert --.--.
6. In column 5 at line 15, after "tool" please insert --.--.
7. In column 5 at line 40, after "components" please insert --.--.
8. In column 5 at line 51, after "indicated" please insert --.--.
9. In column 6 at line 8, after "both" please insert --.--.
10. In column 6 at line 14, after "invention" please insert --.--.
11. In column 6 at line 53, after "transfers" please insert --.--.

MAILING ADDRESS OF SENDER: DOCKET # 402-127.005-1-2 PATENT NO. 7,406,532

Francis J. Maguire
Ware, Fressola, Van Der Sluys & Adolphson LLP
755 Main Street, P.O. Box 224
Monroe, Connecticut 06468

MAR 11 2009
MAR 11 2009

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/44 (10-96)
Approved for use through 6/30/99. OMB 0651-0033
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also FormPTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.	:	7,406,532
DATED	:	July 29, 2008
APPLICATION NO.:		11/543,373
INVENTOR(S)	:	Kryskow, Jr. et al.
TITLE	:	*Auto control of network monitoring and simulation*

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

1. In column 3 at line 53, please delete "(Attorney Docket No. 402-127.3-1)" and insert --PCT/US01/05021-- therefor.
2. In column 4 at line 30, please delete " * ".
3. In column 4 at line 55, after "No." please insert --(PCT/US01/05119)--.
4. In column 4 at line 58, after "No." please insert --(PCT/US01/05021)--.
5. In column 5 at line 6, after "verified" please insert --.--.
6. In column 5 at line 15, after "tool" please insert --.--.
7. In column 5 at line 40, after "components" please insert --.--.
8. In column 5 at line 51, after "indicated" please insert --.--.
9. In column 6 at line 8, after "both" please insert --.--.
10. In column 6 at line 14, after "invention" please insert --.--.
11. In column 6 at line 53, after "transfers" please insert --.--.

MAILING ADDRESS OF SENDER: DOCKET # 402-127.005-1-2 PATENT NO. 7,406,532

Francis J. Maguire
Ware, Fressola, Van Der Sluys & Adolphson LLP
755 Main Street, P.O. Box 224
Monroe, Connecticut 06468

MAR 1 1 2009.
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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/543,375	10/05/2006	Hyun-Jeong Kang	1235-231	6394

7590 11/26/2008

THE FARRELL LAW FIRM, P.C.
333 EARLE OVINGTON BOULEVARD
SUITE 701
UNIONDALE, NY 11553

EXAMINER	
MAUNG, NAY AUNG	

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
11/26/2008	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:
11/28/2008 NFARMER 0000165290

CHECK Refund Total: $3550.00

Adjustment date: 11/28/2008 NFARMER
10/10/2006 LWONDIM1 00000010 11543375
02 FC:1111 -500.00 OP
04 FC:1202 -1450.00 OP
05 FC:1201 -1600.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/543,380	10/04/2006	Richard E. Haven	10051495-1	6402

7590 12/11/2009

AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION,LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND, CO 80537

EXAMINER	
BROOKS, JULIAN D	

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
12/11/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 12/10/2009 NFARMER
10/10/2006 LWONDIM1 00000016 501076 11543380
02 FC:1111 500.00 CR

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United States Patent and Trademark Office
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JUN 09 2010

OFFICE OF PETITIONS

JOHN BRUCKNER PC
P.O. BOX 17569
SUGAR LAND, TX 77496-7569

In re Application of
William B.Dress, et al.
Application No. 11/543,384
Filed: October 4, 2006
Attorney Docket No.: LIGHT1100-1

ON PETITION

This is a decision in response to the petition, filed March 26, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of John J. Bruckner 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.

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed May 5, 2009, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on August 6, 2009. A Notice of Abandonment was mailed on December 11, 2009. On March 26, 2010, the present petition was filed.

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

The application is being referred to Technology Center AU 2611 for appropriate action by the Examiner in the normal course of business on the reply received March 26, 2010.

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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R. Ruschena Patent Agent, LLC
8400 E. Crescent Parkway, Suite 600
Greenwood Village CO 80111

COPY MAILED
JAN 25 2010

In re Application of :
Fabrizio Tagliaferri :
Application No. 11/543,401 : DECISION ON PETITION
Filed: October 5, 2006 :
Title: Device For Suction Of Waste And :
Contaminating Substances From The Ground

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 1, 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 file a timely reply within the meaning of 37 CFR 1.113 to the final Office action of April 21, 2009. Accordingly, the application became abandoned on July 22, 2009. A Notice of Abandonment was mailed November 17, 2009.

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

Since the amendment submitted does not *prima facie* place the application in condition for allowance, the reply required must be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b).

The Examiner has responded to the Amendment After Final with an Advisory Action (copy enclosed).

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) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

Enclosure: Examiner's Advisory

Advisory Action Before the Filing of an Appeal Brief	Application No. 11/543,401	Applicant(s) TAGLIAFERRI, FABRIZIO	
	Examiner Dung Van Nguyen	Art Unit 3723	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 December 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: *none*.
   Claim(s) objected to: *none*.
   Claim(s) rejected: *1-11*.
   Claim(s) withdrawn from consideration: *none*.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Dung Van Nguyen/
Primary Examiner, Art Unit 3723

Continuation of 3. NOTE: The amendment "wherein the difference between the distance from the ground of the front part, and the distance of the rear part from the ground is between 4 cm and 12 cm" constitutes examples of new issues that would require further consideration and/or search.

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R. Ruschena Patent Agent, LLC
8400 E. Crescent Parkway, Suite 600
Greenwood Village CO 80111

MAILED

MAR 0 4 2010

OFFICE OF PETITIONS

In re Application of	:	
Fabrizio Tagliaferri	:	
Application No. 11/543,401	:	DECISION ON PETITION
Filed: October 5, 2006	:	
Title: Device For Suction Of Waste And Contaminating Substances From The Ground	:	

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

The petition is **GRANTED**.

This application became abandoned for failure to reply in a proper and timely manner to the final Office action mailed April 21, 2009. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on July 22, 2009. A Notice of Abandonment was mailed on November 17, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a 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 (previously submitted on December 1, 2009); 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 3723 for processing of the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Joan Olszewski
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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VERIZON
PATENT MANAGEMENT GROUP
1320 NORTH COURT HOUSE ROAD, 9TH FLOOR
ARLINGTON, VA 22201-2909

MAILED

MAR 0 3 2010

OFFICE OF PETITIONS

In re Application of :
David Z. CHEN :
Application No. 11/543,472 : DECISION ON PETITION
Filed: October 5, 2006 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **20060310** :

This is a decision on the petition, filed December 17, 2009, 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 October 5, 2007. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

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

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected

publication date of June 10, 2010 accompanies this decision on petition.

It is noted that a response to the non-final Office action mailed May 7, 2009 has been received along with a one month extension of time. The reply has been made of record in the application and will be forwarded to the examiner for review in due course.

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

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

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.

This application is being forwarded to Technology Center Art Unit 2613 for consideration of the response filed September 8, 2009.

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

Thurman K. Page
Petitions Examiner
Office of Petitions

cc: **SADIQ A. ANSARI**
HARRITY & HARRITY, LLP
11350 RANDOM HILLS ROAD, SUITE 600
FAIRFAX, VA 22030

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request Form

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
11/543,472	10/05/2006	David Zhi Chen	20060310

CONFIRMATION NO. 8598

25537
VERIZON
PATENT MANAGEMENT GROUP
1320 North Court House Road
9th Floor
ARLINGTON, VA 22201-2909

NONPUBLICATION RESCISSION LETTER

OC000000040354565

Date Mailed: 03/02/2010

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 06/10/2010.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

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

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

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

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

/magraves/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
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Paper No. None

GRIMES & BATTERSBY, LLP
488 MAIN AVENUE, THIRD FLOOR
NORWALK CT 06851

COPY MAILED

MAR 0 5 2007

OFFICE OF PETITIONS

In re Application of :
Craig Moss, Paul Dowd, Robert :
J. Victor, Norman L. Barrigas, :
and Michael Hymes :
Application No. 11/543,474 :
Filed: October 5, 2006 : DECISION ON PETITION
Attorney Docket No. GAC001USU :
Title: AUTOMATIC TAPE DISPENSER :

This is in response to the petition under 37 C.F.R. §1.47(a)[1], filed January 8, 2007.

On October 5, 2006, the application was filed, identifying Craig Moss, Paul Dowd, Robert J. Victor, Norman L. Barrigas, and Michael Hymes as joint inventors. The application was deposited without a fully executed oath or declaration. On October 31, 2006, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed,

---

1A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 CFR §1.63.

indicating that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

Along with the present petition, Petitioner has submitted a declaration which has been executed by each of the joint inventors save Mr. Hymes, the surcharge, the last known address of Mr. Hymes, and a statement of facts. The petition fee has been charged to Petitioner's Deposit Account, as authorized in the petition.

The petition has met requirements (1) - (3) and (5) above.

Regarding the fourth requirement above, it does not appear that a complete copy of the application was sent to the last-known residential addresses of the non-signing inventor. Petitioner has asserted that a declaration was provided to the non-signing joint inventor on "several occasions," however no mention is made of the mailing of a complete copy of the application. As such, it does not appear that a complete copy of the application was sent to the last known address of the non-signing inventor. Where a refusal of the inventor to sign the application papers is alleged, the Office requires the petitioner to establish that a bona fide attempt was made to mail a complete copy of the application, which entails the specification, claims, drawings, and oath or declaration[2]. As no mention has been made of any presentation of the application to the non-signing joint inventor, the fourth requirement has not been met. On renewed petition, it should be established that a complete copy of the application was sent to the non-signing inventor. Petitioner should note that any statement which pertains to the presentation should be made by one having firsthand knowledge of the event. Statements based on hearsay are not normally accepted.

It follows that since it has not been shown that a complete copy of the application was sent to the inventor, one cannot refuse to sign something which one has not seen. A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. It is reasonable to require that the inventor be presented with

---

2 See MPEP 409.03(d).

the application papers before a petition under Rule §1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed[3].

Petitioner has failed to fully comply with the provisions of this title. It follows that the present petition must be **DISMISSED.**

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. §1.47(a)". This is not a final agency action within the meaning of 5 U.S.C §704. The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[4], hand-delivery[5], or facsimile[6]. If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[7]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

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3 In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
5 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
6 (571) 273-8300- please note this is a central facsimile number.
7 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No. None

GRIMES & BATTERSBY, LLP
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NORWALK CT 06851

COPY MAILED

AUG 0 6 2007

OFFICE OF PETITIONS

In re Application of :
Craig Moss, Paul Dowd, Robert :
J. Victor, Norman L. Barrigas, :
and Michael Hymes :
Application No. 11/543,474 : DECISION ON RENEWED
Filed: October 5, 2006 : PETITION
Attorney Docket No. GAC001USU :
Title: AUTOMATIC TAPE DISPENSER :

This is in response to the renewed petition under 37 C.F.R. § 1.47(a)[1], filed May 10, 2007.

On October 5, 2006, the application was filed, identifying Craig Moss, Paul Dowd, Robert J. Victor, Norman L. Barrigas, and Michael Hymes as joint inventors. The application was deposited without a fully executed oath or declaration. On October 31, 2006, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed,

---

1A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 CFR §1.63.

indicating that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

An original petition was filed on January 8, 2007, along with a declaration which has been executed by each of the joint inventors save Mr. Hymes, the surcharge, the last known address of Mr. Hymes, and a statement of facts. The original petition was dismissed via the mailing of a decision on March 5, 2007, for failure to establish that a complete copy of the application was sent to the last-known residential addresses of the non-signing inventor.

With this renewed petition, this deficiency has been corrected.

Consequently, Petitioner has met each of the five requirements of Rule §1.47(a), and has submitted all required fees. Therefore, the second renewed petition pursuant to Rule §1.47(a) is **GRANTED** and this application is hereby accorded Rule §1.47(a) status.

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

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

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[2]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland, OH 44114-3108

Mail Date: 04/20/2010

Applicant	: Domenico Mazzocchi	: DECISION ON REQUEST FOR
Patent Number	: 7634935	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/543,479	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **578** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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PAUL D. GREELEY, ESQ.
OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P.
10TH FLOOR
ONE LANDMARK SQUARE
STAMFORD CT 06901-2682

MAILED

JUL 17 2009

OFFICE OF PETITIONS

In re Application of	:	
James Scott Abercrombie III et al	:	
Application No. 11/543,485	:	DECISION GRANTING PETITION
Filed: October 5, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1822.006USV	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 22, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 12, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 3721 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date : July 17, 2009

TO : Director, Office of Patent Publication

FROM : Office of Petitions

SUBJECT : Withdrawal from Issue of **Application No.11/543,485**

Applicant(s) : James Scott Abercrombie III et al
Application No. : 11/543,485
Filed : October 5, 2006

The above-identified application has been assigned Patent No.7,562,510 and an issue date of July 21, 2009.

It is hereby directed that this application be withdrawn from issue at the request of the applicant. Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of July 21, 2009:

"All reference to Patent No. 7,562,510 to James Scott Abercrombie III et al of Connecticut for METHOD AND DEVICE FOR PRESSURIZING CONTAINERS appearing in the Official Gazette of July 21, 2009 should be deleted since no patent was granted."

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

cc: Paul Harrison
Deneise Boyd
Mary Louise McAskill
Niomi Farmer
Mary E. Johnson (Cookie)
Brad Harris
Kim Terrell
Lamont Fletcher

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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JUN 08 2010

OFFICE OF PETITIONS

Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland OH 44114-3108

In re Application of :
Bollegraaf, et al. : DECISION ON PETITION
Application No. 11/543,488 :
Filed: October 5, 2006 :
Atty. Dkt. No.: VOB-39929US1 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed March 3, 2010.

The Notice of Abandonment mailed January 19, 2010 indicates that the application is abandoned for failure to timely submit a proper reply to the Office action mailed June 22, 2009.

Petitioner asserts that on December 22, 2009, a reply to the Office action (including petition for three month extension of time) was timely filed.

The reply filed December 22, 2009 in response to the Office action dated June 22, 2009 has been located in the official application file.

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 3651 for further processing.

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

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/543,492	10/05/2006	Jae-Kwon Kim	678-2815	8624

7590 09/02/2009

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

EXAMINER
FOTAKIS, ARISTOCRATIS

ART UNIT	PAPER NUMBER
2611	

MAIL DATE	DELIVERY MODE
09/02/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Repln. Ref: 09/02/2009 BPOWELL 0009472300
PMD:504053 Name/Number:11543492
FL: 2201 $500.00 CR

Adjustment date: 09/02/2009 BPOWELL
10/10/2006 SETTHAIP 0000006 11543492
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

Repln. Ref: 03/02/2009 BPOWELL 0009472300
LRA:504053 Name/Number:11543492
FC: 9204 $500.00 CR

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JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA GA 30309

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APR 2 4 2007

OFFICE OF PETITIONS

In re Application of :
PHILIPPE PICHON :
Application No. 11/543,493 : DECISION ON PETITION
Filed: October 5, 2006 :
Attorney Docket No. S0457/333700 :

This is a decision on the petition filed November 21, 2006, requesting that the Office accord the present application a filing date of October 5, 2006, with Figures 1-7 as part of the original disclosure.

The petition is granted.

On October 5, 2006, applicants deposited the above-identified application. On November 8, 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 it was filed without drawings. The Notice further stated that the filing date would be the date of receipt of drawings in the United States Patent and Trademark Office. The Notice set forth a two-month period for reply from the mailing date of the Notice.

In the present petition, applicants explained that the subject application is a divisional application of Application No. 10/450,907 ("parent application"), which is the U.S. national phase entry of International Patent Application No. PCT/FR01/03934. Applicants stated that on October 5, 2006, they submitted a complete copy of the parent application, as published under International Patent Publication No. WO 02/50389 (including Figures 1-7), as well as a preliminary amendment, which included a claim for the benefit of the parent application.

A review of the file indicates that the Office received Figures 1-7 on October 5, 2006, as part of the International Patent Publication No. WO 02/50389.[1] Therefore, the application may be accorded a filing date of October 5, 2006.

[1] Although the drawings were located in the file, Figures 1-7 were filed as part of the International Patent Publication No. WO 02/50389. Because the drawings were filed in this format, special processing was necessitated. Therefore, the petition fee will be charged to the Deposit Account.

This matter is being referred to the Office of Initial Patent Examination to accord the application a filing date of October 5, 2006, using Figures 1-7, filed on that date, as part of the original disclosure.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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GIRARD & EQUITZ LLP
1539 TARAVAL ST.
SUITE 202
SAN FRANCISCO CA 94116

MAILED

JUN 04 2010

OFFICE OF PETITIONS

In re Application of	:	
Lyle, James D.	:	
Application No. 11/543,501	:	ON PETITION
Filed: October 5, 2006	:	
Attorney Docket No. SII-603 [SIMG0096]	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 26, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the issue Fee Transmittal with payment of the issue and publication fees, (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 the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 04/21/2010

Applicant	: Zhao-Jun Wang	: DECISION ON REQUEST FOR
Patent Number	: 7629823	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/543,503	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/04/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **66** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

Applicant	: Dennis D. Costesso	: DECISION ON REQUEST FOR
Patent Number	: 7662234	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/543,511	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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JOHN G. CHUPA
LAW OFFICES OF JOHN CHUPA
AND ASSOCIATES, P.C.
SUITE 50
28535 ORCHARD LAKE RD
FARMINGTON HILLS MI 48334

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NOV 2 8 2008

OFFICE OF PETITIONS

In re Application of :
Hsu, et al. :
Application No. 11/543,513 : DECISION
Filed: 5 October, 2006 :
Attorney Docket No. 453-034 :

This is a decision on the petition, filed on 23 July, 2008, considered as a petition under 37 C.F.R. §1.137(b) to revive the application as having been abandoned due to unintentional delay.

The petition 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 that:

Applicant, failed to reply timely and properly to the final Office action mailed on 6 July, 2007, with reply due absent an extension of time on or before 6 October, 2007.

On 11 November, 2007, Petitioner submitted (over a certificate of mailing) a request and fee for an extension of time, and an amendment after final, which the Examiner refused to enter and Petitioner–as one registered to practice before the Office—knows is not as of right and not a

proper reply if it does not *prima facie* place the application in condition for allowance, and on 16 January, 2008, the Examiner mailed an Advisory Action.

The application went abandoned by operation of law after midnight 6 November, 2007.

The Office mailed the Notice of Abandonment on 14 March, 2008.

On 23 July, 2008, Petitioner filed the instant petition with fee, a reply in the form of a Notice of Appeal and an Appeal Brief and fees, 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 are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

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).[2] 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.[3]))

As to Allegations of Unintentional Delay

The requirements under 37 C.F.R. §1.137(b) have been satisfied.

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] 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.

[3] 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 Technology Center/AU (TC/AU) 1796 to await the Examiner's Answer 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[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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[4] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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CARLSON, GASKEY & OLDS/PRATT & WHITNEY
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

Mail Date: 06/21/2010

Applicant	: Ned E. Cipollini	: DECISION ON REQUEST FOR
Patent Number	: 7632338	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/543,535	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **639** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

APPROVED: /C.M./

Knobbe Martens Olson & Bear LLP

Intellectual Property Law

550 West C Street
Suite 1200
San Diego CA 92101
Tel 619-235-8550
Fax 619-235-0176
www.kmob.com

Rose M. Thiessen, Ph.D.

June 23, 2009

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

Re: Title: DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR
Letters Patent No. 7,467,003
Issued: December 16, 2008
Our Reference: DEXCOM.038CP2

Dear Sir:

Enclosed for filing is a Certificate of Correction in connection with the above-identified patent.

As the errors cited in the Certificate of Correction were incurred through the fault of the Applicant, enclosed is our check in the amount of $100. Please charge any additional fees to our Deposit Account No. 11-1410.

Respectfully submitted,

Knobbe, Martens, Olson & Bear, LLP

Rose M. Thiessen
Registration No. 40,202
Customer No. 68851

Enclosures

7346070:JSJ
062309

APPROVED: /C.M./

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,467,003

APPLICATION NO. : 11/543,539

ISSUE DATE : December 16, 2008

INVENTOR(S) : Brister, et al.

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

Issued Patent		1. Description of Error
Column	**Line**	
Page 1 Item (75) (Inventors)	3	Change "Encintas," to --Encinitas,--.
Item (56) Page 3 Col. 1	17	Under Other Publications, change "2002," to --2002.--.
Item (56) Page 3 Col. 2	44	Under Other Publications, change "developement" to --development--.
9	4	After "support" insert --.--.
12	31	Change "neon-glucose" to --non-glucose--.
17	10	After "thereon" insert --.--.
19	33	Change "virax," to --vivax,--.

MAILING ADDRESS OF SENDER:

Rose M. Thiessen
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, 14th Floor
Irvine, California 92614

DOCKET NO. DEXCOM.038CP2

APPROVED: /C.M./

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,467,003
APPLICATION NO. : 11/543,539
ISSUE DATE : December 16, 2008
INVENTOR(S) : Brister, et al.

60	61	Change "Similarly, the electrodes of **Fig. 7A** through **Fig. 9** provide electrical conductance, to detect the analyte of interest, as well as structural support for the sensor. For example, the sensors depicted in **Figs. 7A** through **7L** embodiments that are substantially needle-like. Additionally, these sensors are substantially resilient, and therefore able to flex in response to mechanical pressure and then to regain their original shapes. **Fig. 7M** depicts a cross-section of another sensor embodiment, which can be a composite (e.g., built up of layers of working and reference electrode materials) needle-like sensor or the composite "wire" can be cut to produce pancake-shaped sensors. **Fig. 7N** through **Fig. 9** illustrate additional sensor embodiments, wherein the electrodes provide electrical conductance and support the sensor's needle-like shape." to --In some embodiments, the glucose sensor includes a second (e.g., auxiliary) working electrode that is configured to generate a second signal associated with non-glucose related electroactive compounds that have the same oxidation potential as the above-described first working electrode (e.g., *para supra*). In some embodiments, the non-glucose related electroactive species includes at least one of interfering species, non-reaction-related H_2O_2, and other electroactive species. For example, interfering species includes any compound that is not directly related to the electrochemical signal generated by the glucose-GOx reaction, such as but not limited to electroactive species in the local environment produces by other bodily processes (e.g., cellular metabolism, wound healing, a disease process, and the like). Non-reaction-related H_2O_2 includes H_2O_2 from sources other than the glucose-GOx reaction, such as but not limited to H_2O_2 released by nearby cells during the course of the cells' metabolism, H_2O_2 produced by other enzymatic reactions (e.g., extracellular enzymes around the sensor or such as can be released during the death of nearby cells or such as can be released by activated macrophages), and the like. Other electroactive species includes any compound that has an oxidation potential similar to or overlapping that of H_2O_2.--
62	66	Delete "[describe its bifunctionality without unnecessary characterizations (e.g., not "pancake-shaped")]".
65	25	Change "Pr" to --or--.

MAILING ADDRESS OF SENDER:

Rose M. Thiessen
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, 14th Floor
Irvine, California 92614

DOCKET NO. DEXCOM.038CP2

APPROVED JSM

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,467,003

APPLICATION NO. : 11/543,539

ISSUE DATE : December 16, 2008

INVENTOR(S) : Brister, et al.

72	63	Change "11543490," to --11/543,490,--.
74	61	After "barrier" insert --.--.
87	16	Change "],entitled" to --], entitled--.
87	17	Change "4,2006." to --4, 2006.--.
87	50	Change "4,2006." to --4, 2006.--.
90	65	In Claim 15, after "claim 1," delete "wherein,".
92	39	In Claim 43, change "configured" to --configured to--.
95	7 (Approx.)	In Claim 73, change "configured" to --configured to--.
96	23	In Claim 87, change "electrode," to --electrode.--.

7346052:JSJ
062309

MAILING ADDRESS OF SENDER:

Rose M. Thiessen
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, 14th Floor
Irvine, California 92614

DOCKET NO. DEXCOM.038CP2

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090901

DATE : September 01, 2009

TO SPE OF : ART UNIT 3735

SUBJECT : Request for Certificate of Correction on Patent No.: 7,467,003

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:

/CHARLES A MARMOR II/
Supervisory Patent Examiner.Art Unit 3735

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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LUMEN INTELLECTUAL PROPERTY SERVICES, INC.
2345 YALE STREET
2ND FLOOR
PALO ALTO CA 94306

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JAN 29 2007

OFFICE OF PETITIONS

In re Application of :
Butrus T.Khuri-Yakub, et al. :
Application No. 11/543,550 : DECISION ON PETITION
Filed: October 4, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. S05-026/US : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 19, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a 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 undersigned at 571-272-1642.

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

The application is being forwarded to the Technology Center Art Unit 2856 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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Schwegman, Lundberg & Woessner, P.A.
P.O. Box 2938
Minneapolis, MN 55402

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FEB 28 2008

OFFICE OF PETITIONS

In re Application of :

Max Copperman et al. :
Application No. 11/543,563 : DECISION ON PETITION
Filed: October 5, 2006 : TO WITHDRAW
Attorney Docket No. 1546.001US4 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 23, 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 Suneel Arora on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is no outstanding Office action at this time.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Max Copperman**
233 Sunset Avenue
Santa Cruz, CA 95060

cc: **Doreen J. Gridley**
Ice Miller LLP
One American Square
Suite 3100
Indianapolis, IN 46282-0200

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/543,563	10/05/2006	Max Copperman	1546.001US4

CONFIRMATION NO. 7841

POWER OF ATTORNEY NOTICE

21186
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

OC00000028554738

Date Mailed: 02/28/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/23/2007.

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

/tswilliams/

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

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LOUIS L. DACHS
1794 PALISADES DRIVE
PACIFIC PALISADES CA 90272

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SEP 29 2008

In re Application of :
Armando Rodriguez :
Application No. 11/543590 :
Filing or 371(c) Date: 10/05/2006 :
Attorney Docket Number: :
P272 : ON PETITION

This is a decision on the "Petition Under Rule 1.181 'Petition to Withdraw Holding,'"filed August 19, 2008. The petition is properly treated as a petition to withdraw the holding of abandonment based upon evidence that a timely reply was filed.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed January 29, 2008. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned April 30, 2008. A Notice of Abandonment was mailed August 6, 2008.

Applicant's Assertion

Applicant files the instant petition and asserts that a timely reply to the Office action was filed under the Certificate of Mail procedures of 37 CFR 1.8 on February 19, 2008. In support of this assertion, Applicant files a copy of the reply, and a copy of his return-receipt postcard. A review of the return-receipt postcard reveals that the postcard is RE: (regarding) a Second Amendment, and contains a USPTO date-stamp of February 26, 2008. A review of the copy of the reply reveals that it includes a Certificate of Mailing under 37 CFR 1.8, dated February 19, 2008, and signed by Petitioner herein.

Applicable Law, Rules and MPEP

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

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

As to item 3, Applicant's return receipt postcard[1] states that the postcard is regarding an amendment; however, the MPEP 503 provides:

> The postcard receipt will not serve as prima facie evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard.

In this instance, Applicant has provided a copy of the amendment which includes the Certificate of Mailing executed by petitioner herein. In addition, Applicant has filed a copy of a return-receipt postcard which, although not properly itemized[2], when coupled with the copy of the amendment; the Certificate of Mailing, and Applicant's statement as to the timely filing of the

---

[1] An acknowledgment receipt, referred to in 37 CFR 1.8(b)(3), is a legal equivalent of a post card receipt described in the Manual of Patent Examining Procedure (MPEP), Section 503. See, 1315 OG 57; 72 Fed. Reg. 2770 (23 Jan 2007).

[2] Itemize – To set down by item. To state each item or article separately. See, Back's Law Dictionary, Abridged Sixth Edition (1991).

amendment, supports Applicant's assertion that an amendment was filed in this Office on February 25, 2008.

Applicant has complied with the requirements of 37 CFR 1.8(b).

The application will be referred to Technology Center Art Unit 3764 for processing of the Reply, and for continued processing in due course.

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

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

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ALBIN H. GESS, ESQ.
SNELL & WILMER, LLP
SUITE 1400
600 ANTON BOULEVARD
COSTA MESA, CA 92626-7689

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MAY 0 7 2008

OFFICE OF PETITIONS

In re Application of :
Joshua E. Rothenberg, et al. :
Application No. 11/543,596 : DECISION GRANTING PETITION
Filed: October 5, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 54261-2700 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 30, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 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.[1]

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

This application is being referred to Technology Center AU 3663 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

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/543,611	10/04/2006	3722	1130	GW-069-US	8	6	1

CONFIRMATION NO. 7635

UPDATED FILING RECEIPT

OC000000021163206

23549
THE GLEASON WORKS
1000 UNIVERSITY AVENUE
P O BOX 22970
ROCHESTER, NY 146922970

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)

Hermann J. Stadtfeld, Rochester, NY;
Uwe Gaiser, Ostfildern, GERMANY;
Earl D. Ervay, Fairport, NY;
Theodore J. Krenzer, West Rush, NY;

Power of Attorney:

Robert McDowell--34080

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 10/24/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/543,611

Projected Publication Date: 04/10/2008

Non-Publication Request: No

Early Publication Request: No

Title

Manufacturing straight bevel gears

Preliminary Class

409

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

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HAMILTON IP LAW, PC
331 W. 3RD ST.
NEWVENTURES CENTER SUITE 120
DAVENPORT IA 52801

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OFFICE OF PETITIONS

In re Application of :
Howard D. Martin :
Application No. 11/543,637 : DECISION ON PETITION
Filed: October 5, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. USPA-0152 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 17, 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 3641for action on the merits commensurate with this decision.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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06 DEC 2006

SCHWEITZER CORNMAN GROSS & BONDELL LLP
292 MADISON AVENUE - 19th FLOOR
NEW YORK NY 10017

In re Application of	:	
NEUSCH	:	
Application No.: 11/543,639	:	DECISION
Attorney Docket No.: 0350-105P/JAB	:	
For: CRAWLERTRACK FOR A SKI TRAIL GROOMING MACHINE AND PRODUCTION METHOD	:	

This decision is in response to applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 13 November 2006.

BACKGROUND

On 31 March 2004, applicant filed international application PCT/CH2004/000194 which designated the U.S. A copy of the international application was communicated to the USPTO from the International Bureau on 13 October 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 October 2006 (30 September 2006 being a Saturday).

On 05 October 2006, applicant filed, *inter alia*, a transmittal letter requesting filing of a continuation of international application number PCT/CH2004/000194, a specification, claims, drawings, and abstract.

On 13 November 2006, applicants filed a "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR § 1.137(b)".

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), the filing of the present continuing application under 35 U.S.C. 111(a) on

05 October 2006 is accepted as an appropriate response under 37 CFR 1.137(b).

As to item (2), the petition fee was paid on 13 November 2006.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) to revive international application PCT/CH2004/000194 is hereby **GRANTED** as to the National stage in the United States of America 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 11/543,639.

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

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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BEYER LAW GROUP LLP/APPLE INC.
P.O. BOX 1687
CUPERTINO, CA 95015-1687

Mail Date: 04/20/2010

Applicant	: Jeffrey L. Robbin	: DECISION ON REQUEST FOR
Patent Number	: 7590773	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/543,681	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/04/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **78** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MIALEEKA WILLIAMS
RHODIA INC.
8 CEDAR BROOK DRIVE (CN7500)
CRANBURY, NJ 08512-7500

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
Scott Jackson, et al. :
Application No. 11/543,696 : DECISION ON PETITION
Filed: October 5, 2006 :
Attorney Docket No. RD 06010 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 6, 2009, to revive the above-identified application.

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

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

The 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 an election, (2) the petition fee of $1620, and (3) a proper statement of unintentional delay.

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

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1110 extension of time fee submitted with the petition on February 6, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card.

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

This application is being referred to Technology Center AU 1794 for appropriate action by the Examiner in the normal course of business on the reply received February 6, 2009.

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

cc: GARY D. MANGELS
1737 KING STREET
SUITE 500
ALEXANDRIA, VA 22314

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/543,706	10/04/2006	Joon-Yeon Kim	58118/P849	7138

7590 11/03/2009

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

EXAMINER	
SHENG, TOM V	

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
11/03/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Page 1 of 1

FORM PET651G (Rev. 08/07)

Repln. Ref: 11/04/2009 BPOWELL 0014193300
DNR:031728 Name/Number:11543706
FC: 9204 $1750.00 CR

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090630

DATE : May 20, 2009

TO SPE OF : ART UNIT 3735

SUBJECT : Request for Certificate of Correction on Patent No.: 7,460,898

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:

/CHARLES A MARMOR II/
Supervisory Patent Examiner.Art Unit 3735

UNITED STATES PATENT AND TRADEMARK OFFICE

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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**

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NOV 22 2006

OFFICE OF PETITIONS

In re Application of :
PLISHNER :
Application No. 11/543,725 : DECISION ON PETITION
Filed: October 3, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. 2.603.020 : 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 instant petition includes an affidavit from inventor Paul J. Plishner, 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 2838 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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SEP 16 2009

OFFICE OF PETITIONS

Van Pelt, Yi & James LLP
10050 N. Foothill Blvd, #200
Cupertino, CA 95014

In re Application of	:	
Ping Pan, et al.	:	
Application No. 11/543,727	:	DECISION ON PETITION
Filed: October 5, 2006	:	TO WITHDRAW
Attorney Docket No. HAMMP010	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 24, 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 Lee Van Pelt on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed May 14, 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: **Ping Pan**
640 Clyde Court
Mountain View, CA 94043

cc: **Greg Leitich**
804 Baylor Street
Austin, TX 78703

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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Stolowitz Ford Cowger LLP
621 SW Morrison St
Suite 600
Portland, OR 97205

Mail Date: 04/21/2010

Applicant	: Marc Torrens	: DECISION ON REQUEST FOR
Patent Number	: 7650570	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/543,730	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/04/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **777** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

OK TO ENTER: /C.M./

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,424,318
APPLICATION NO. : 11/543,734
ISSUE DATE : September 9, 2008
INVENTOR(S) : Brister, et al.

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

Issued Patent		1. Description of Error
Column	Line	
Item (56) Page 2 Col. 1	62	Under U.S. Patent Documents, change "Berner" to --Kim--.
Item (56) Page 3 Col. 1	39	Under Other Publications, change "amperometeric" to --amperometric--.
Item (56) Page 3 Col. 1	48	Under Other Publications, change "analysis," to --analysis.--.
Item (56) Page 3 Col. 2	10	Under Other Publications, change "T.J.;" to --T. J.;--.
Item (56) Page 3 Col. 2	35	Under Other Publications, change "e" to --use--.
Sheet 7 of 21 (Fig. 7A1)	7 (Approx.)	Change "$7A_1$" to --7A1--.
Sheet 7 of 21 (Fig. 7A2)	7 (Approx.)	Change "$7A_2$" to --7A2--.
Sheet 20 of 21 (Fig. 14)	13 (Approx.)	Above "FIG.14" change "Time" to --Time(minutes)--.
1	12 (Approx.)	Change "I" to --1--.
8	60 (Approx.)	Change "support" to --support.--.
17	5	Change "thereon" to --thereon.--.
19	18-19	Change "biotimidase;" to --biotinidase;--.
19	32	Change "diptheria/tetanus" to --diphtheria/tetanus--.
19	34	Change "1-human" to --β-human--.

MAILING ADDRESS OF SENDER:

Rose M. Thiessen
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, 14th Floor
Irvine, California 92614

DOCKET NO. DEXCOM.038CP4

OK TO ENTER: /C.M./

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,424,318

APPLICATION NO. : 11/543,734

ISSUE DATE : September 9, 2008

INVENTOR(S) : Brister, et al.

19	44	Change "phenyloin;" to --phenytoin;--.
19	52	Change "duodenalisa," to --duodenalis,--.
19	59	Change "Trepenoma" to --Treponema--.
19	60	Change "stomatis" to --stomatitis--.
20	26	Change "(3 MT)," to --(3MT),--.
27	46	Change "integrally" to --"integrally--.
28	39	Change "y=m×+b," to --y=mx+b,--.
28	54	Change "y=m×+b)." to --y=mx+b).--.
30	30 (Approx.)	Change "y=m×+b" to --y=mx+b--.
32	59	Change "Bellafonte," to --Bellefonte,--.
43	24	Change "10 a" to --10a--.
50	6	Change "RhI" to --R/I--.
53	53	Change "ureate)," to --aureate),--.
59	17	Change "11,543,490," to --11/543,490,--.
60	6	Change "11,543,490," to --11/543,490,--.
65	43	Change "1)" to --I)--.
68	57 (Approx.)	Change "y=m×+b," to --y=mx+b,--.
69	7	Change "equationy=m×+b)." to --equation y=mx+b).--.
69	26	Change "in-active" to --inactive--.
72	66	Change "11,543,490," to --11/543,490,--.
74	63	Change "barrier" to --barrier.--.
77	23	Change "(1R)," to --(IR),--.
83	34	Change "usingy=m×+b)" to --using y=mx+b)--.
84	38	Change "5,776,324B1," to --5,776,324 B1,--.
87	21	Change "2006," to --2006.--.
87	54	Change "2006," to --2006.--.
90	29	In Claim 1, change "arranged about" to --arranged symmetrically about--.
90	53	In Claim 5, change "suithydryl" to --sulfhydryl--.

MAILING ADDRESS OF SENDER:

Rose M. Thiessen
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, 14th Floor
Irvine, California 92614

DOCKET NO. DEXCOM.038CP4

OK TO ENTER: /C.M./

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,424,318
APPLICATION NO. : 11/543,734
ISSUE DATE : September 9, 2008
INVENTOR(S) : Brister, et al.

90	58	In Claim 5, change "eleetroactive" to --electroactive--.
91	66	In Claim 23, change "measure-interfering" to --measure interfering--.
92	29	In Claim 28, change "eleetroactive" to --electroactive--.
92	47	In Claim 32, change "elaim" to --claim--.
92	58	In Claim 36, change "The" to --the--.
92	65	In Claim 37, change "eleetroactive" to --electroactive--.
93	2	In Claim 38, change "electro active" to --electroactive--.
93	15 (Approx.)	In Claim 41, change "The" to --the--.
93	17 (Approx.)	In Claim 41, change "The" to --the--.
94	24	In Claim 50, change "electrode." to -- electrode.--.

6582464:JSJ
020309

MAILING ADDRESS OF SENDER:

Rose M. Thiessen
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, 14th Floor
Irvine, California 92614

DOCKET NO. DEXCOM.038CP4

PTO/SB/44 Equivalent

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20091123

DATE : November 24, 2009

TO SPE OF : ART UNIT 3735

SUBJECT : Request for Certificate of Correction on Patent No.: 7,424,318

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

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

Thank You For Your Assistance **Certificates of Correction Branch**

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

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: /Charles Marmor, II/ **Art Unit** 3735

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JAMES CAI
SCHEIN & CAI LLP
100 CENTURY CENTER COURT, SUITE 315
SAN JOSE, CA 95112

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OFFICE OF PETITIONS

In re Application of :
Frank He et al :
Application No. 11/543,751 : ON PETITION
Filed: October 6, 2006 :
Attorney Docket No. HEFR-001-2006 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 18, 2008, to revive the above-identified application.

The petition is **GRANTED.**

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

The Power of Attorney received with the petition on July 18, 2008 is not accepted. The Power of Attorney was sign by Frank He. Communications received at the USPTO must be signed by all of the applicants. 37 CFR 1.33(b) states:

> "Amendments and other papers filed in the application must be signed by: (1) An attorney or agent of record appointed in compliance with § 1.34(b); (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a); (3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest; (4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undivided part interest; or (5) All of the applicants (§§ 1.42. 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73."

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210. This matter is being referred to the Office of Patent Application Processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

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NOV 19 2008

In re Application of	:	
Claire E. Lewis et al.	:	
Application No. 11/543,760	:	DECISION ON PETITION
Filed: October 4 2006	:	TO WITHFRAW
Attorney Docket No. 674523-2093.1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR 1.36(b) filed July 30, 2007.

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

A review of the file record indicates that the power of attorney to the firm of Townsend and Townsend and Crew, LLP has been revoked by the assignee of the patent application on August 24, 2007. Accordingly, the request to withdraw under 37 CFR 1.36(b) is moot.

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

Telephone inquiries concerning this decision should be directed to Carl Friedman at 571-272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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Paper No. 21208

Jean C. Edwards
AKERMAN SENTERFITT
801 Pennsylvania Avenue, N.W.
Suite 600
Washington, DC 20004

MAILED FROM
DIRECTORS OFFICE
FEB 14 2008
TECHNOLOGY CENTER 2800

In re Application of:
Mueth *et al.*
Serial No.: 11/543,773
Filed: October 6, 2006
Attorney Docket No.: 71527.0153

SUA SPONTE
DECISION WITHDRAWING HOLDING OF ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

The application was held abandoned for failure to timely file the Office action mailed on July 30, 2007. A Notice of Abandonment was mailed on February 5, 2008.

A review of the written record indicates that a proper response to the Office action was previously filed on January 29, 2008, with a five (5) month extension of time but not processed in the application file prior to the mailing of the Notice of Abandonment. Since the response was timely filed, the abandonment of the application was premature. Therefore, the application was not abandoned in fact.

For the above stated reason, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the examiner for consideration of the response.

Inquiries related to this decision should be directed to Robert Kim (571) 272-2293.

Robert Oberleitner, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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DAVID W. HIGHET, VP & CHIEF INTELLECTUAL PROPERTY
COUNSEL BECTON, DICKINSON AND COMPANY
BIRCH, STEWART, KOLASCH & BIRCH, LLP
1 BECTON DRIVE, MC 110
FRANKLIN LAKES NJ 07417-1880

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AUG 31 2007

OFFICE OF PETITIONS

In re Application of :
Ashlee Salloom et al. :
Application No. 11/543,781 : ON PETITION
Filed: October 6, 2006 :
Attorney's Docket No. **2411-0108PUS2** :

This is a decision on the petition filed June 28, 2007 under 37 CFR 1.137(b) [1], to revive the above-identified application.

The petition is **GRANTED**.

The instant application became abandoned on December 28, 2006, for failure to timely reply to the Notice to File Missing Parts, mailed October 27, 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 prior to the abandonment of the application. The instant petition and this decision precede the mailing of the Notice of Abandonment.

The submission of the oath or declaration and late filing fee, as required by the Notice to File Missing Parts mailed October 27, 2006 is acknowledged.

---

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In 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)).

A review of the record reveals that a five month extension of time was filed with the instant petition, however, pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $2160.00 extension of time fee submitted with the petition on June 28, 2007, was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited to counsel's deposit account no. 02-2448.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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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

Applicant	: Yasantha Nirmal Rajakarunanayake	: DECISION ON REQUEST FOR
Patent Number	: 7660837	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/543,827	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

Mail Date: 05/18/2010

Applicant	: Yasantha Nirmal Rajakarunanayake	: NOTICE CONCERNING IMPROPER
Patent Number	: 7660837	: CALCULATION OF PATENT TERM
Issue Date	: 02/09/2010	: ADJUSTMENT BASED UPON USPTO
Application No	: 11/543,827	: IMPROPERLY MEASURING REDUCTION
Filed	: 10/06/2006	: PERIOD UNDER 37 CFR 1.704(c)(10).

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

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

The patent term adjustment has been determined to be **50** 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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STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE, N.W.
WASHINGTON, DC 20036

Mail Date: 04/21/2010

Applicant	: Moungi G. Bawendi	: DECISION ON REQUEST FOR
Patent Number	: 7601424	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/543,829	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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JUN 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Tomonari Sendai	:	
Application No. 11/543,951	:	DECISION GRANTING PETITION
Filed: October 6, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. Q97640	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 15, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 19, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2882 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS and amendment.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/543,959	10/04/2006	Jong-woong Chang	AB-1875 US	7092

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
2629	

MAIL DATE	DELIVERY MODE
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.

Patent Publication Branch
Office of Data Management

Adjustment date: 04/10/2009 NFARMER
10/10/2006 CNGUYEN2 00000057 502257 11543959
02 FC:1111 500.00 CR

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TROXELL LAW OFFICE PLLC
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH VA 22041

MAILED

JUN 11 2009

OFFICE OF PETITIONS

In re Application of :
Yuan-Wen Yu :
Application No. 11/543,976 : ON PETITION
Filed: October 6, 2006 :
Attorney Docket No. BHT-3106-434 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 11, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance mailed September 30, 2008, which set a shortened statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on December 31, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) issue and publication fee of $1055; (2) the petition fee of $810; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed September 30, 2008 is accepted as having been unintentionally delayed.

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

Application No. 11/543,976

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to Ron Abelson at (571) 272-3165 or in his absence, the undersigned at (571) 272-7099.

The application file is being referred to the Office of Data Management.

David Bucci
Petitions Examiner
Office of Petitions

cc:
Yen Jung Sung
21-80 38 St.
Room C8
Astoria, NY 11105

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PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY, 12TH FLOOR
NEW YORK, NY 10036

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NOV 0 3 2009

OFFICE OF PETITIONS

In re Application of :
Dusan KUZMA, et *al.* :
Application No. 11/543,994 : DECISION ON PETITION
Filed: October 6, 2006 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **P-8219-US** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 17, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed October 2, 2008, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 3, 2008.

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

There is no indication that the 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. Steven L. Highlander 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. If, Mr. Highlander 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 Mr. Highlander, 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.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a election, (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

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

This application is being referred to Technology Center AU 1626 for appropriate action by the Examiner in the normal course of business on the reply received July 17, 2009

Brian W. Brown
Petitions Examiner
Office of Petitions

cc: **STEVEN L. HIGHLANDER**
FULBRIGHT & JAWORSKI, LLP
600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TX 78734

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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
11/544,073	10/06/2006	1614	2990	AM101864 (36119.166-US2)		22	9

CONFIRMATION NO. 8761

UPDATED FILING RECEIPT

OC000000021593039

49598
WILMER CUTLER PICKERING HALE AND DORR LLP /
60 STATE STREET
BOSTON, MA 02109

Date Mailed: 12/13/2006

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

Applicant(s)

Ponnal Nambi, Berwyn, PA;
Liang Chen, Dayton, NJ;
Elaine Quinet, Berwyn, PA;
Jay Wrobel, Lawrenceville, NJ;

Assignment For Published Patent Application

Wyeth, Madison, NJ

Power of Attorney: The patent practitioners associated with Customer Number **49598**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/729,914 10/25/2005

Foreign Applications

If Required, Foreign Filing License Granted: 10/27/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/544,073

Projected Publication Date: 04/26/2007

Non-Publication Request: No

Early Publication Request: No

Title

5-Lipoxygenase modulators

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted

under 37 CFR 5.13 or 5.14.

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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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HODES, PESSIN & KATZ, P.A
INTELLECTUAL PROPERTY LAW OFFICES
901 DULANY VALLEY ROAD
SUITE 400
TOWSON MD 21204

COPY MAILED

JUL 16 2008

In re Application of :
Kevin MCDERMOTT :
Application No. 11/544,080 : DECISION ON PETITION
Filed: October 07, 2006 :
Attorney Docket No. 024994.008 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 20, 2008, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely pay the issue and publication fees on or before January 02, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed October 2, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on January 03, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $720.00 and publication fee of $300.00; (2) the petition fee of $770.00; and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fee payments are accepted as being unintentionally delayed.

The power of attorney filed by the applicant with the petition on June 20, 2008 as been accepted and made of record.

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

This application is being referred to Office of Data Management.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606-6357

Mail Date: 04/23/2010

Applicant	: Jie Li	: DECISION ON REQUEST FOR
Patent Number	: 7620060	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/544,096	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **632** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/544,100	10/05/2006	Sang-Shin Kwak	57972/P849	7956

7590 11/04/2009

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

EXAMINER	
TUNG, DAVID	

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
11/04/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell.

Patent Publication Branch
Office of Data Management

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JUN 11 2009

OFFICE OF PETITIONS

In re Application of :
James Salzman :
Application No. 11/544,112 :
Filed: 10/06/2006 :
Attorney Docket No. TI-61075 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 11, 09, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 17, 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) was obtained. Accordingly, the above-identified application became abandoned on January 18, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee of $1,620.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office Action of October 17, 2008 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Ron Abelson at (571) 272-3165 or in his absence David Bucci at (571) 272-7099.

The application file is being referred to Technology Center AU 2612 for appropriate action on the amendment.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/544,124	10/05/2006	Seung-Hyun Son	SDIYPL.125AUS	8349

7590 11/02/2009
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
SIM, YONG H

ART UNIT	PAPER NUMBER
2629	

NOTIFICATION DATE	DELIVERY MODE
11/02/2009	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.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Repln. Ref: 10/30/2009 NFARMER 0012034000
DA#:111410 Name/Number:11544124
FC: 9224 $950.00 CR

Adjustment date: 10/30/2009 NFARMER
10/10/2006 EAYALEW1 00000116 11544124
02 FC:1111 -500.00 OP
04 FC:1202 -450.00 OP

FORM PET651G (Rev. 08/07)

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OFFICE OF PETITIONS

ROGER PROKSCH
C/O ASYLUM RESEARCH CORPORATION
6310 HOLLISTER AVENUE
GOLETA, CA 93117

In re Application of

Roger B. Proksch
Application No. 11/544,130
Filed: October 5, 2006
Attorney Docket No. M-16699 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 August 8, 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 undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: FISH & RICHARDSON, PC
212390 EL CAMINO REAL
SAN DIEGO, CA 92130

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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MOMENTIVE PERFORMANCE MATERIALS INC
C/O DILWORTH & BARRESE LLP
333 EARLE OVINGTON BLVD
UNIONDALE NY 11553

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FEB 0 6 2009

OFFICE OF PETITIONS

In re Application of :
Chaves, et al. :
Application No. 11/544,132 : ON PETITION
Filed: October 6, 2006 :
Attorney Docket No. US220174-1 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed January 12, 2009

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed August 21, 2008. This Notice set a statutory period for reply of three (3) months. No issue fee having been received, the application became abandoned on November 22, 2008. The Office mailed a Notice of Abandonment on December 18, 2008.

To establish non-receipt of an Office action, a 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.[1]

In addition, the Manual of Patent Examining Procedure § 711.03(c) also states:

> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has not submitted a copy of a master docket record showing all his replies docketed for a due date of November 21, 2008, nor has petitioner stated that such a record does not exist. Rather, on petition, petitioner has only submitted a copy of the file jacket for the instant application.

While the showing of record is not presently sufficient to withdraw the holding of abandonment, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m); and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

---

[1] MPEP 711.03(c).

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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OFFICE OF PETITIONS

MOMENTIVE PERFORMANCE MATERIALS INC
C/O DILWORTH & BARRESE LLP
333 EARLE OVINGTON BLVD
UNIONDALE NY 11553

In re Application of :
Chaves, et al. :
Application No. 11/544,132 : ON PETITION
Filed: October 6, 2006 :
Attorney Docket No. US220174-1 :

This is a decision on the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181, filed April 6, 2009.

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed August 21, 2008. This Notice set a statutory period for reply of three (3) months. No issue fee having been received, the application became abandoned on November 22, 2008. The Office mailed a Notice of Abandonment on December 18, 2008. Applicants filed a petition to withdraw the holding of abandonment on January 12, 2009, which was dismissed on February 6, 2009.

To establish non-receipt of an Office action, a 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.[1]

In addition, the Manual of Patent Examining Procedure § 711.03(c) also states:

> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of 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.

On renewed petition, petitioner has stated that no master docket report exists. Moreover, petitioner states that the firm keeps no incoming mail log, calendar, or separate reminder system other than the individual docket record.

Petitioner's evidence has been considered. However, it is not apparent how petitioner's firm tracks cases to determine when a response is due in an application. Do the attorneys keeps their own individual calendars or dockets? If so, petitioner is requested to supply the individual calendars of all the attorneys in the firm, together with their dockets.

While the showing of record is not presently sufficient to withdraw the holding of abandonment, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1)

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[1] MPEP 711.03(c).

The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m); and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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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MOMENTIVE PERFORMANCE MATERIALS INC
C/O DILWORTH & BARRESE LLP
333 EARLE OVINGTON BLVD
UNIONDALE NY 11553

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JUN 01 2009

OFFICE OF PETITIONS

In re Application of :
Chaves, et al. :
Application No. 11/544,132 : ON PETITION
Filed: October 6, 2006 :
Attorney Docket No. US220174-1 :

This is a decision on the petition to revive an unintentionally abandoned application under 37 CFR 1.137(b), filed May 13, 2009.

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

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed August 21, 2008. This Notice set a statutory period for reply of three (3) months. No issue fee having been received, the application became abandoned on November 22, 2008. The Office mailed a Notice of Abandonment on December 18, 2008. Applicants filed a petition to withdraw the holding of abandonment on January 12, 2009, which was dismissed on February 6, 2009. Applicants filed a request for reconsideration on April 6, 2009, which was dismissed in a decision mailed on May 4, 2009.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of the issue fee.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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PAUL M. DENK
763 S. NEW BALLAS RD, SUITE 170
ST. LOUIS, MO 63141

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APR 2 6 2010

OFFICE OF PETITIONS

In re Application of :
Yuh-Jye Uang :
Application No. 11/544,168 : DECISION ON PETITION
Filed: October 6, 2006 :
Attorney Docket No. 7680 :

This is a decision on the petition, filed February 12, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of June 17, 2009, which set a one (1) month shortened statutory period for reply. A reply was due on or before July 17, 2009.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on June 29, 2009. A copy of the previously submitted reply accompanies the petition.

The postcard receipt acknowledged as having been received in the USPTO on June 29, 2009 is not of record in the application file and has not to date been located. However, MPEP 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the response to restriction requirement was timely received in the USPTO but lost after receipt thereof.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

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

This application is being referred to Technology Center AU 3611 for appropriate action in the normal course of business on the reply received with petition.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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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	:	
Deljo et al.	:	DECISION ON PETITION
Application No. 11/544,176	:	TO WITHDRAW
Filed: October 6, 2006	:	FROM RECORD
Attorney Docket No. 085804-721301	:	

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 23, 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 TRAURIG, LLP
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK NY 10166

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304

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AUG 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Ramin Najafi et al.	:	
Application No. 11/544,180	:	DECISION ON PETITION
Filed: October 5, 2006	:	TO WITHDRAW
Attorney Docket No. 092890-0351	:	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 15, 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 38706 has been revoked by the assignee of the patent application on July 29, 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 JoAnne Burke at 571-272- 4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: HDC LLP
3239 El Camino Real, Suite 220
Palo Alto CA 94306

UNITED STATES PATENT AND TRADEMARK OFFICE

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DREIER LLP
499 PARK AVE
NEW YORK NY 10022

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OFFICE OF PETITIONS

In re Application of :

PACE, Gary W. et al. :
Application No. 11/544,187 : DECISION ON PETITION
Filed: October 06, 2006 : TO WITHDRAW
Attorney Docket No. **8703-510-DIV** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 15, 2007.

The request is **NOT APPROVED**.

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

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

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **FOX ROTHSCHILD LLP**
100 PARK AVENUE
SUITE 1500
NEW YORK, NY 10017

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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WEAVER AUSTIN VILLENEUVE & SAMPSON LLP
P.O. BOX 70250
OAKLAND CA 94612-0250

MAILED

MAY 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Bryan D. Haynes	:	DECISION ON PETITION
Application No. 11/544,195	:	TO WITHDRAW
Filed: October 6, 2006	:	FROM RECORD
Attorney Docket No. HAYNP002	:	

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 **APPROVED**.

A grantable request to withdraw as attorney/agent of record must 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 James E. Austin on behalf of all attorneys of record who are associated with Customer No. 22434.

All attorneys/agents associated with Customer Number 22434 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the applicant at the address indicated below.

Currently, there is an outstanding Office action mailed March 12, 2010 that requires a reply.

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Bryan D. Haynes
784 Reina Del Mar Avenue
Pacifica, CA 94044

PATENT
HES 2003-IP-012229U1D1D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Jiten Chatterji et al.	Art Unit:	unknown 1755
Serial No.:	unknown 11/544204	Examiner:	unknown
Filed:	concurrently herewith 11-506		
For:	METHODS, CEMENT COMPOSITIONS AND OIL SUSPENSIONS OF POWDER		

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

ATTENTION: Group Director

DECLARATION IN SUPPORT OF PETITION
TO MAKE SPECIAL BECAUSE OF APPLICANT'S AGE
(37 C.F.R. §1.102(c) and M.P.E.P. § 708.02, IV)

I, the person signing below hereby declare:

1. That, I am over 65 years of age; and

2. That, all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

J. Chatterji

Jiten Chatterji

PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700
NOV - 1 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES CA 90013-1024

MAILED

MAY 19 2010

OFFICE OF PETITIONS

In re Application of :
LJUNGMAN, Mikael et al. :
Application No. 11/544,221 : DECISION ON PETITION
Filed: October 06, 2006 : TO WITHDRAW
Attorney Docket No. **615112000200** : FROM RECORD
:

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 02, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

Therefore, as there is currently no statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request for Withdrawal.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **CARL FREER**
BLOWFISH WORKS
8560 W. SUNSET, 7TH FLOOR
WEST HOLLYWOOD, CA 90069

Doc Code: PET.AUTO
Doc Description: Petition Automatically granted by EFS

OIPE IAP79
MAY 27 2008
PATENT & TRADEMARK OFFICE

PTO/SB/130 (03-08)
Approved for use through 05/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	11/544,248	Confirmation Number	8529	Filing Date	2006-10-06
Attorney Docket Number (optional)		Art Unit	3733	Examiner	
First Named Inventor	Stephen Thomas Bush				
Title of Invention	Method for measuring strength of healing bone and related tissues				

Attention: Office of Petitions

An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Stephen	Thomas	Bush	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

(●) (1) I am an inventor in this application and I am 65 years of age, or more.

( ) (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	Stephen T. Bush	Date (YYYY-MM-DD)	2008-05-23
Name	Stephen Thomas Bush	Registration Number	

OIPE IAP79
MAY 27 2008
PATENT & TRADEMARK OFFICE

In the United States Patent and Trademark Office

Application Number: 11/544, 248

Filing Date: 10/06/2006

Applicant: Bush, Stephen Thomas

Mailed: 05/22/2008

Declaration in Support of Accompanying Petition to Make Special Based on Age

In support of the accompanying Petition to Make Special Based on Age, applicant declares as follows:

1. I am an applicant in the above-identified patent application.
2. I am 72 years of age. My birth date is April 6, 1936.
3. I declare that this is a true statement made with the knowledge that willful false statements are punishable by law.

Very respectfully,

Stephen Thomas Bush

220 Keafer Road
Johnstown, PA 15905
814-255-4486

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

COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
Washington DC 20001

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JAN 0 3 2008

OFFICE OF PETITIONS

In re Application of :
John W. Kidder et al :
Application No. 11/544,260 :
Filed: October 6, 2006 :
Docket No. AMYC-007/01US :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 5, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed November 3, 2006, which required the submission of an executed oath or declaration and a $130 surcharge fee for its late filing. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on January 4, 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 the above items required by the Notice of November 3, 2006, (2) the petition fee of $1,500, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the Notice of November 3, 2006 is accepted as being unintentionally delayed.

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

Telephone inquiries concerning this decision should be directed to the Office of Petitions Help Desk at (571) 272-3282.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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CORNING INCORPORATED
SP-TI-3-1
CORNING, NY 14831

Mail Date: 07/13/2010

Applicant	: Bruce Gardiner Aitken	: DECISION ON REQUEST FOR
Patent Number	: 7615506	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/544,262	: OF WYETH
Filed	: 10/06/2006	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

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

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

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HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE CA 94086

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APR 12 2010

OFFICE OF PETITIONS

In re Application of :
Fowkes : DECISION ON PETITION
Application No. 11/544,274 :
Filed: October 6, 2006 :
Atty. Dkt. No.: STFO-00401 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 26, 2010.

The petition is **GRANTED**.

This application became abandoned January 15, 2010 for failure to timely reply to the Notice of Allowance and Issue Fee Due (Notice) mailed October 14, 2009. The Notice set a three (3) month statutory period of time for reply. Notice of Abandonment was mailed February 2, 2010.

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

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

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.

In view thereof, this application is being forwarded to the Office of Data Management for further processing.

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

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: Steven W. Fowkes
122 Roble Rd., Ste. 206
Walnut Creetk, CA 94597

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MAILED

APR 26 2010

OFFICE OF PETITIONS

BOYLE FREDRICKSON S.C.
840 NORTH PLANKINTON AVENUE
MILWAUKEE, WI 53203

In re Application of
Denyse Dubrucq
Application No. 11/544,285
Filed: October 6, 2006
Attorney Docket No. 1617.002

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 8, 2010.

The request is **APPROVED**.

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

The request was signed by Christopher J. Kukowski on behalf of all attorneys of record who are associated with customer No. 23598. All attorneys/agents associated with the Customer Number 23598 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 January 29, 2010 that requires a reply from the applicant.

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

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

cc: DENYSE C. DUBRUCQ
100 ELM STREET
CEDARVILLE, OH 45314-8575

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/544,285	10/06/2006	Denyse DuBrucq	1617.002

CONFIRMATION NO. 7929

POWER OF ATTORNEY NOTICE

23598
BOYLE FREDRICKSON S.C.
840 North Plankinton Avenue
MILWAUKEE, WI 53203

Date Mailed: 04/12/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/08/2010.

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

/amwise/

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

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

MAILED

JUN 29 2010

OFFICE OF PETITIONS

In re Application of	:	
Moon et al.	:	
Application No. 11/544,309	:	DECISION DISMISSING PETITION
Filed: October 6, 2006	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. IP-0241-US (830-241US)	:	UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), filed March 22, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 119(e) for the benefit of the 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) above.

Petitioner is advised that, where an application claims a benefit under 35 U.S.C. 120 of a chain of applications, the application must make a reference to the first (earliest) application and every intermediate application. *See* Sampson v. Ampex Corp., 463 F.2d 1042, 1044-45, 174 USPQ 417, 418-19 (2d Cir. 1972); Sticker Indus. Supply Corp. v. Blaw-Knox Co., 405 F.2d 90, 93, 160 USPQ 177, 179 (7th Cir. 1968); Hovlid v Asari, 305 F.2d 747, 751, 134 USPQ 162, 165 (9th Cir. 1962). See also MPEP § 201.11. In

addition, every intermediate application must also make a reference to the first (earliest) application and every application after the first application and before such intermediate application. MPEP Section 201.06(d). Petitioner should review the claim submitted to ensure that a reference is made to the first application and to every intermediate application.

It appears that the chain is missing between Application Nos. 10/661,082 and 10/645,686 and between Application Nos. 10/661,836 and 10/645,689. A review of USPTO records does not appear to support these claims.

Accordingly, before the petition under 37 CFR 1.78(a)(3) can be granted, a substitute amendment[1] identifying a proper nonprovisional application, along with a renewed petition under 37 CFR 1.78(a)(3), is required. No further petition fee 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 Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

[1] *Note* 37 CFR 1.121

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BARNES & THORNBURG LLP
P.O. BOX 2786
CHICAGO, IL 60690-2786

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JUN 09 2010

OFFICE OF PETITIONS

In re Application of
David W. CALDWELL, et *al.*
Application No. 11/544,323
Filed: October 6, 2006
Attorney Docket No. **49256-109399**

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 8, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 16, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2121 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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

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SUITE 2850
200 WEST ADAMS STREET
CHICAGO IL 60606

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OFFICE OF PETITIONS

In re Application of :
Shunpei Yamazaki et al :
Application No. 11/544,358 : DECISION GRANTING PETITION
Filed: October 6, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 0553-0213.03 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 6, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on October 1, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2813 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/544,361	10/05/2006	2188	1000	501152.03 (30124/US/2)	5	1	1

CONFIRMATION NO. 8294

Edward W. Bulchis, Esq.
DORSEY & WHITNEY LLP
Suite 3400
1420 Fifth Avenue
Seattle, WA 98101

CORRECTED FILING RECEIPT

OC000000021372905

Date Mailed: 11/28/2006

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)

Jon Skull, Surrey, UNITED KINGDOM;

Power of Attorney: The patent practitioners associated with Customer Number **27076**.

Domestic Priority data as claimed by applicant

This application is a CON of 10/171,049 06/12/2002 PAT 7,133,999

Foreign Applications

UNITED KINGDOM 0208148.7 04/09/2002

If Required, Foreign Filing License Granted: 10/26/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/544,361

Projected Publication Date: 03/08/2007

Non-Publication Request: No

Early Publication Request: No

Title

Method and system for local memory addressing in single instruction, multiple data computer system

Preliminary Class

711

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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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TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6731

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OCT 15 2008

OFFICE OF PETITIONS

In re Application of
Robert W. Perry Jr.
Application No. 11/544,370
Filed: October 6, 2006
Attorney Docket No. 254813

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 Thomas K. McBride on behalf of all attorneys of record who are associated with customer No. 23460.

All attorneys/agents associated with the Customer Number 23460 have been withdrawn.

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

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

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

There are no pending Office actions at the present time.

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

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

cc: ROBERT W. PERRY, JR.
976 SAGEWOOD PLACE
POCATELLO, ID 83201

cc: ROBERT W. PERRY, JR.
ALL MY RELATIONS, INC.
PO BOX 693
FORT HALL, ID 83203

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/544,370	10/06/2006	Robert W. Perry JR.	254813

CONFIRMATION NO. 8281

POWER OF ATTORNEY NOTICE

23460
LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6731

Date Mailed: 10/14/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/07/2008.

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

/amwise/

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

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

MAILED

OCT 21 2009

OFFICE OF PETITIONS

In re Application of :
Peter Bruce Darwood, et al. :
Application No. 11/544,396 : DECISION ON PETITION
Filed: October 5, 2006 : TO WITHDRAW
Attorney Docket No. 562492007900 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 2, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on September 21, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

cc: FITCH, EVEN, TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

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MAR 25 2010

OFFICE OF PETITIONS

In re Application of
Avinash et al
Application No. 11/544,410
Filed: October 5, 2006
Attorney Docket No. 000106C1

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 16, 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; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal rejection mailed April 13, 2009, is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,110 extension of time fee submitted with the petition on December 16, 2009, was subsequent to the maximum extendable period for reply, this fee is unnecessary. Petitioner may request a refund of the fee by writing to the Office of Finance, Refund Section. A copy of this decision should accompany the request.

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

This application is being referred to Technology Center AU 2617 for appropriate action by the Examiner in the normal course of business on the reply received December 16, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

DATE 9/11/07

APPLICATION NUMBER 11/541,429

DOC CODE PET.DEC.

DOC DATE 9/12/07

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

CONTRACTOR: THE ATTACHED FILE/DOCUMENT MUST BE INDEXED AND SCANNED INTO IFW WITHIN **8** WORK HOURS; UPLOADING OF THE SCANNED IMAGES SHOULD OCCUR NO LATER THAN **16** WORK HOURS FOLLOWING RECEIPT OF THIS REQUEST

AFTER SCANNING, ORIGINAL DOCUMENTS SHOULD BE BOXED IN ACCORDANCE WITH INSTRUCTIONS

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JOHN S PRATT ESQ
KILPATRICK STOCKTON LLP
1100 PEACHTREE STREET
ATLANTA GA 30309

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OFFICE OF PETITIONS

In re Application of	:	
Davidson, et al.	:	
Application No. 11/544,429	:	ON PETITION
Filed: October 6, 2006	:	
Attorney Docket No. 51913/333281	:	

This is a decision on the petition to revive under 37 CFR 1.137(a), filed August 27, 2007.

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Missing Parts, mailed October 27, 2006. This Notice set an extendable period for reply of two (2) months for applicants to submit an oath or declaration, together with a surcharge for its late filing. No reply having been received, the application became abandoned on December 28, 2006. A Notice of Abandonment was mailed on June 29, 2007.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 CFR 1.17(l); and (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable. The instant petition lacks item (3).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable: "The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."[1]

Moreover, delay resulting from the lack of knowledge or improper application of the patent statutes, rules of practice or the Manual of Patent Examining Procedure, however, does not constitute "unavoidable" delay.[2]

With regards to item (3), petitioner states that he did not receive the October 27, 2006 Notice to File Missing Parts. To establish nonreceipt of an Office action, a petitioner must: 1) include a statement that the Office action was not received; 2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and 3) include a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed.[3] A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."[4] "For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket record showing **all** replies docketed for a date

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[1] In re Mattulath, 38 App. D.C. 497, 514-15 (1912)(*quoting* Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

[2] See Haines, 673 F. Supp. at 317, 5 U.S.P.Q. 2d at 1132; Vincent v. Mossinghoff, 230 U.S.P.Q. 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 U.S.P.Q. 1091 (D.D.C. 1981); Potter v. Dann, 201 U.S.P.Q. 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

[3] See MPEP 711.03(c)(II).

[4] MPEP 711.03(c)(II) (emphasis added).

three months from the mail date of the nonreceived Office action must be submitted..."[5]

Petitioner has not submitted a proper docket report showing all replies docketed for a due date of December 27, 2006. Rather, petitioner has submitted a copy of a docket report for the instant application.

Alternative Venue and Other Matters:

While the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m); and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

[5] Id.

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KILPATRICK STOCKTON LLP
1100 PEACHTREE STREET
ATLANTA GA 30309

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OFFICE OF PETITIONS

In re Application of :
Davidson, et al. :
Application No. 11/544,429 : ON PETITION
Filed: October 6, 2006 :
Attorney Docket No. 51913/333281 :

This is a decision on the renewed petition to revive under 37 CFR 1.137(a), filed October 3, 2007.

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

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Missing Parts, mailed October 27, 2006. This Notice set an extendable period for reply of two (2) months for applicants to submit an oath or declaration, together with a surcharge for its late filing. No reply having been received, the application became abandoned on December 28, 2006. A Notice of Abandonment was mailed on June 29, 2007. Applicants filed a petition to revive under 37 CFR 1.137(a) on August 27, 2007. Applicants asserted that they did not receive the Notice to file Missing Parts. However, the petition was dismissed in a decision mailed on September 12, 2007, because Applicants did not submit a proper docket record evidencing non-receipt.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or

notice, unless previously filed; (2) the petition fee set forth in 37 CFR 1.17(l); and (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable: "The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."[1]

Moreover, delay resulting from the lack of knowledge or improper application of the patent statutes, rules of practice or the Manual of Patent Examining Procedure, however, does not constitute "unavoidable" delay.[2]

To establish nonreceipt of an Office action, a petitioner must: 1) include a statement that the Office action was not received; 2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and 3) include a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed.[3] A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."[4] "For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket record showing **all** replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted..."[5]

---

[1] In re Mattulath, 38 App. D.C. 497, 514-15 (1912)(*quoting* Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

[2] See Haines, 673 F. Supp. at 317, 5 U.S.P.Q. 2d at 1132; Vincent v. Mossinghoff, 230 U.S.P.Q. 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 U.S.P.Q. 1091 (D.D.C. 1981); Potter v. Dann, 201 U.S.P.Q. 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

[3] See MPEP 711.03(c)(II).

[4] MPEP 711.03(c)(II) (emphasis added).

[5] Id.

With the instant petition, petitioner has submitted a proper docket report showing all replies docketed for a due date of December 27, 2006. No entry for the instant application is present, supporting the conclusion that the October 27, 2006 Notice to File Missing Parts was not received. Accordingly, it is concluded that petitioner has demonstrated unavoidable delay.

The matter is being forwarded to the Office of Patent Application Processing for pre-examination processing, using the declaration supplied on August 27, 2007.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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In re Application of :
Davidson, et al. :
Application No. 11/544,429 : ON PETITION
Filed: October 6, 2006 :
Attorney Docket No. 51913/333281 :

This is in response to the "PETITION TO CHANGE INVENTOR'S NAME UNDER 37 C.F.R. § 1.182", filed June 5, 2008.

Applicants have requested to correct the name of inventor Thomas Dewey Davidson to Tom Randy Davidson, Sr. Included was a declaration from Davidson, explaining that he legally changed his name. Also included was a copy of a supporting court document.

Accordingly, the request is **GRANTED.**

Office records have been changed to reflect the change in the inventor's name.

The file is being forwarded to Group Art Unit 3753 for examination in due course.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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OCT 1 0 2008

OFFICE OF PETITIONS

In re Application of :
Davidson, Sr., et al. :
Application No. 11/544,429 : DECISION ON PETITIONS
Filed: October 6, 2006 :
Attorney Docket No. 51913/333281 :

This is a decision on the petition to expunge under 37 CFR 1.59(b), filed May 14, 2008.[1]

The petition to expunge is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** of the mailing date of this decision.

As set forth in MPEP 724.05, a petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that:

(A) the Office can effect such return prior to the issuance of any patent on the application in issue;

[1] The petition was filed bearing application No. 11/554,429, not 11/544,429. Based on the other identifying information, the petition was correctly matched with the proper file.

(B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;

(C) the information has not otherwise been made public;

(D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;

(E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and

(F) the petition fee as set forth in 37 CFR 1.17(g) is included.

The instant petition has not satisfied item (B) above. In this instance, there is nothing in the record to suggest that the information submitted (copies of docket reports) was unintentionally submitted. On the contrary, such information was submitted to support earlier filed petitions to revive. Moreover, petitioner has not stated that the failure to obtain its return would cause irreparable harm to the party who submitted the information.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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MENDELSOHN, DRUCKER, & ASSOCIATES, P.C.
1500 JOHN F. KENNEDY BLVD., SUITE 405
PHILADELPHIA, PA 19102

Mail Date: 05/18/2010

Applicant	: Richard J. Byrne	: DECISION ON REQUEST FOR
Patent Number	: 7644303	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/544,445	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **523** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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MENDELSOHN, DRUCKER, & ASSOCIATES, P.C.
1500 JOHN F. KENNEDY BLVD., SUITE 405
PHILADELPHIA, PA 19102

Mail Date: 05/18/2010

Applicant	: Richard J. Byrne	: DECISION ON REQUEST FOR
Patent Number	: 7653783	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/544,456	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **371** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Erickson Law Group, PC
1749 S. NAPERVILLE ROAD
SUITE 202
WHEATON, IL 60189

Mail Date: 04/20/2010

Applicant	: Jonathan Blanshay	: DECISION ON REQUEST FOR
Patent Number	: 7641333	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/544,469	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **354** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 04/21/2010

Applicant	: Masayuki Shiraishi	: DECISION ON REQUEST FOR
Patent Number	: 7599112	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/544,483	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **153** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

Mail Date: 05/18/2010

Applicant : Masayuki Shiraishi
Patent Number : 7599112
Issue Date : 10/06/2009
Application No: 11/544,483
Filed : 10/06/2006

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

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

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

The patent term adjustment has been determined to be **172** 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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DOW AGROSCIENCES LLC
9330 ZIONSVILLE RD
INDIANAPOLIS IN 46268

In re Application of :
Kermit B. Bohning
Serial No.: 11/544,506
Filed: October 6, 2006
Attorney Docket No.: 63767A US

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed February 25, 2008, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on February 25, 2008, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Applicant may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist/Program Examiner
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/544,506	10/06/2006	Kermit Berg Bohning	63767A US	9123

25212 7590 03/17/2010

DOW AGROSCIENCES LLC
9330 ZIONSVILLE RD
INDIANAPOLIS, IN 46268

EXAMINER	
BUI, PHUONG T	
ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
03/17/2010	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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MAR 17 2010

DOW AGROSCIENCES LLC
9330 ZIONSVILLE RD
INDIANAPOLIS IN 46268

In re Application of:
Kermit B. Bohning
Serial No.: 11/544,506
Filed: October 6, 2006
Attorney Docket No.: **63767A US**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed March 8, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that Declaration under 37 CFR 1.132 submitted to the Patent Office on February 25, 2008 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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Alexandria, VA 22313-1450
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MAY 18 2009

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

In re Application of	:
Gluskin	:Decision on Petition
Serial No.: 11/544,530	:
Filed : 6 October 2006	:
Attorney Docket No.: 3852-1011-000	:

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on 8 January 2009 to request reconsideration of the restriction requirement mailed 13 February 2007.

BACKGROUND

This application was filed under 35 USC 111(a) and as such, is considered for restriction following the practice set forth in Chapter 800 of the MPEP.

On 13 February 2007, the examiner divided the original 40 claims into three groups directed to a composition, a non-aerosol dispenser and a method of use. The examiner also required an election of species.

On 19 March 2007, applicants elected Group I and the species of sodium glycocholate with traverse.

On 11 May 2007, the examiner considered the traversal and made the restriction requirement FINAL. The elected invention and species have been examined in several Office actions and are now under a final rejection of 35 USC 103(a).

On 8 January 2009, applicants field this petition to reconsider the restriction requirement. On 9 March 2009, applicants filed an Appeal Brief.

DISCUSSION

The file history and petition have been considered carefully. Applicant is requesting rejoinder of Group II to elected Group I and reconsideration of the election of species requirement.

Claim 1 and 19 are representative of Group I and II.

1. (Currently Amended) A glucose composition for absorption of glucose across oral mucosa to raise the blood glucose level of an individual, the composition comprising:
   a. an effective amount of glucose;
   b. an effective amount of sodium glycocholate[[,]] ; and
   c. an effective amount of a pharmaceutically acceptable carrier[[,]] ; wherein the composition is free of any additional active pharmaceutical agents.

19. (Withdrawn) A non-aerosol dispenser containing the composition of claim 1.

Claim 1 and 19 are related as subcombination (claim 1) and combination (Claim 19).

MPEP 806.05(c) sets forth criteria for distinction amongst combination and subcombination inventions:

> The inventions are distinct if it can be shown that a combination as claimed:
>
> (A) does not require the particulars of the subcombination as claimed for patentability (to show novelty and unobviousness), and
> (B) the subcombination can be shown to have utility either by itself or in another materially different combination.
>
> When these factors cannot be shown, such inventions are not distinct.

In this instance, the combination claim 19 depends from and requires all the particulars of the subcombination. As such, Group I and II are not distinct from each other.

Concerning the requirement to elect a particular species of absorption enhancer, applicants elected species of sodium glycocholate. Dependent claims 13-14, 41-46 were withdrawn from examination for reciting non-elected species.

Applicants then amended claim 1 to require the elected species and amended dependent claims such that non-elected species are further additional components. See for example, Claims 13-14 below.

13. (Withdrawn – Currently Amended) The composition of claim 1, further comprising sodium lauryl sulfate.

14. (Withdrawn – Currently Amended) The composition of claim 1, further comprising polyoxyethylene sorbitan monooleate.

Because the independent claim requires the elected species and the dependent claims 13, 14, 41-46 have been amended to in such a manner to require additional species, the election of species cannot be maintained.

DECISION

Accordingly, the petition is **GRANTED.**

The restriction requirement between Group I and II is withdrawn.

The restriction requirement between Groups I/II and Group III is maintained.

The election of species requirement is withdrawn.

The finality of the Office action mailed 18 July 2008 has been withdrawn.

It is noted that on 9 March 2009, Applicants filed an Appeal Brief.

The application will be forwarded to the Examiner to prepare an Office action consistent with this decision with addresses claims 1-9, 13-25 and 41-46. The Office action will contain Form paragraph 12.187, reopening of prosecution after appeal brief or reply brief and will be signed by the Supervisory Patent Examiner.

Should all product claims become allowable, the examiner will consider non-elected process claims for rejoinder per MPEP 821.04.

Should there be any questions regarding this decision, please Quality Assurance Specialist Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 571-273-8300.

Remy Yucel
Director, Technology Center 1600

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TROP PRUNER & HU, PC
1616 S. VOSS ROAD
SUITE 750
HOUSTON, TX 77057-2631

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OFFICE OF PETITIONS

In re Application of :
John Morton :
Application No. 11/544,531 : DECISION ON PETITION
Filed: October 6, 2006 : TO WITHDRAW
Attorney Docket No. LLE.006US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed July 25, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Trop, Pruner & Hu, PC has been revoked by the assignee of the patent application on July 19, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: M. SCHERR
EXECUTIVE DEVELOPMENT CORPORATION
(D.B.A. LIESIANT CORP)
8310 N. CPITAL OF TEXAS HIGHWAY
SUITE 340
AUSTIN, TX 78731

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MACMILLAN SOBANSKI & TODD, LLC
ONE MARITIME PLAZA FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604-1619

Mail Date: 04/21/2010

Applicant	: Perry Lindner	: DECISION ON REQUEST FOR
Patent Number	: 7631379	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/544,536	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/544,545	10/05/2006	Kaname Ogawa	SONYJP 3.0-677	8740

7590 09/10/2009

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER	
WERNER, BRIAN P	
ART UNIT	PAPER NUMBER
2624	
MAIL DATE	DELIVERY MODE
09/10/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 09/11/2009 NFARMER
10/11/2006 WABDELR1 00000070 121095 11544545
02 FC:1111 500.00 CR
04 FC:1201 600.00 CR

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Alexandria, VA 22313-1450
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MATTINGLY & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

MAILED

MAR 0 4 2010

OFFICE OF PETITIONS

In re Application of
Baychar
Application No. 11/544,569
Filed: October 10, 2006
Attorney Docket No. BAY-410-07

ON PETITION

This is a decision on the petition, filed February 5, 2010, entitled, "PETITION TO CORRECT FILING DATE."

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

The present petition was filed because the Office contended that the application was filed on October 7, 2006. Petitioner requests that the application be accorded a filing date of October 10, 2006 on the basis that the application was received in the Patent and Trademark Office (PTO) on October 10, 2006.

In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination ("OIPE") generated barcode listing the above-identified application serial number and citing October 10, 2006 as the date of receipt. In addition, petitioner provided a copy of the OIPE date-stamped mailroom receipt showing a filing date of October 10, 2006.

The return postcard constitutes *prima facie* evidence that the application was filed on October 10, 2006 MPEP 503. Accordingly, the petition is granted.

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

The application is being referred to Office of Patent Applicant Processing for further processing, with a filing date of **October 10, 2006**. OPAP will mail a corrected filing receipt in due course.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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

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OFFICE OF PETITIONS

In re Application of :
Hideaki Kamikakoi, et al. :
Application No.: 11/544,605 : ON PETITION
Filed: October 10, 2006 :
Attorney Docket No.: 027019-00007 :

This is a decision on the petition, filed September 19, 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 August 26, 2008, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2835 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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ARENT FOX LLP
1050 CONNECTICUT AVENUE NW,SUITE 400
WASHINGTON, DC 20036

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In re Application of	:	
KAMIKAKOI, et al.	:	
Application No. 11/544,605	:	DECISION GRANTING PETITION
Filed: October 10, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **027019-00007**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 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 November 12, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 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

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

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

Mail Date: 05/03/2010

Applicant	: Takashi Nakabayashi	: DECISION ON REQUEST FOR
Patent Number	: 7622777	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/544,653	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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DIW May-07

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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MAY 04 2007

OFFICE OF PETITIONS

In re Application of :
Albermann, Kemmner, Maier, :
Spraefico, Stock, Wagner, :
DeBoer, and Meima :
Application No. 11/544,679 :
Filed: 10 October, 2006 :
Atty Docket No. GRT.4662-408 :

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition filed under 37 CFR 1.47(a) on 10 October, 2006.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventors, Wolfram Kemmner and Fabio Spraefico, have refused to the sign the declaration after having been presented with a copy of the application. Specifically, petitioners have shown, via the declaration of R.E.W. Donners, that the non-signing inventors were presented a copy of the specification. The non-signing inventors originally executed a declaration, which was not filed due to an inventorship error, after reviewing the specification. Prior to the filing of the application and declaration, it was discovered that the inventorship was incorrect and a replacement declaration was sent or given to each inventor.

Petitioners have shown that non-signing joint inventor Spraefico refused in a letter to executed the correct declaration unless given compensation. Additionally joint inventor Kemmner failed to sign and return the declaration. As such, petitioners have shown that a copy of the application papers, including the declaration filed in compliance with 37 CFR 1.63, were presented to each non-signing inventor, but the inventors refused to sign the declaration naming them as joint inventors along with Kaj Alberman, Dieter Maier, Alexander Stock, Christian Wagner, Lex De Boer, and Roelf Bernhard Meima.

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*.

A petition fee due of $200.00 is due. Although the petition contains the application number of the prior-filed application, the petition fee will be charged to current counsel's deposit account, as authorized in the transmittal letter filed with the present petition.

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

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D. Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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P.O. Box 1450
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DIW May-07

Wolfram Kemmner
Bochetsrieder Str. 97 B
D-81379 MUNCHEN
GERMANY

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MAY 04 2007

OFFICE OF PETITIONS

In re Application of
Albermann et al.
Application No. 11/544,679
Filed: 10 October, 2006
For: NOVEL PHOSPHOLIPASES AND USES THEREOF

Dear Mr. Kemmner:

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).

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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Fabio Spraefico
Global Enterprise Solutions
Via Don Inverinizzi 14a
23900 LECCO
ITALY

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MAY 04 2007

OFFICE OF PETITIONS

In re Application of
Albermann et al.
Application No. 11/544,679
Filed: 10 October, 2006
For: NOVEL PHOSPHOLIPASES AND USES THEREOF

Dear Mr. Spraefico:

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).

D Wood

Douglas I. Wood
Senior Petitions Attorney
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
11/544,686	10/05/2006	2183	1000	501275.03 (30280/US/2)	4	1	1

CONFIRMATION NO. 8326

Edward W. Bulchis, Esq.
DORSEY & WHITNEY LLP
Suite 3400
1420 Fifth Avenue
Seattle, WA 98101

CORRECTED FILING RECEIPT

OC000000021592869

Date Mailed: 12/13/2006

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

Applicant(s)

Graham Kirsch, Tadley, UNITED KINGDOM;

Power of Attorney: The patent practitioners associated with Customer Number **27076**.

Domestic Priority data as claimed by applicant

This application is a CON of 10/629,382 07/28/2003 PAT 7,133,998

Foreign Applications

UNITED KINGDOM 0307454.9 03/31/2003

If Required, Foreign Filing License Granted: 11/01/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/544,686

Projected Publication Date: 02/08/2007

Non-Publication Request: No

Early Publication Request: No

Title

Active memory processing array topography and method

Preliminary Class

712

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
P.O. Box 1450
Alexandria, VA 22313-1450
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CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE WA 98101-2347

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FEB 0 1 2007

OFFICE OF PETITIONS

In re Application of :
Parkinson :
Application No. 11/544,714 : ON PETITION
Deposited: April 3, 2006 :
Attorney Docket No. CARI127365 :
For: AROMA DUSTER

This is a decision on the petition under 37 CFR 1.53(e), filed December 20, 2006, requesting that the above-identified application be accorded a filing date of April 3, 2006.

The application was deposited on April 3, 2006. On October 20, 2006, the Office of Initial Patent Examination mailed a Notice informing petitioner, *inter alia*, that no filing date had been accorded to the application papers deposited on April 3, 2006 because no drawings were present, as is required by 35 U.S.C. 113.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that the above-identified application be accorded a filing date of April 3, 2006 on the basis that 3 pages of drawing figures were received in the Patent and Trademark Office (PTO) on April 3, 2006. In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination date stamp citing April 3, 2006 as the date of receipt. The postcard lists, *inter alia*, that the filing included 3 pages of drawings.

The return postcard constitutes *prima facie* evidence that 3 pages of drawings were filed on april 3, 2006. MPEP 503. Accordingly, the request is granted.

Pursuant to petitioner's authorization, deposit account no. 03-1740 will be refunded the $400.00 petition fee submitted with the present petition.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **April 3, 2006**, using the copy of the 3 pages of drawings submitted with the instant petition. Office records will be corrected to show that 3 pages of drawings were present on filing.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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

MAIL

APR 09 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington DC 20005-1503

In re Application of
YAMASHITA, HARUO, et al.
Application No. 11/544,736
Filed: October 10, 2006
Attorney Docket No. 2006_1710A

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 March 05, 2010 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 Michael Horabik at 571-272-3068.

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

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

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/16/08

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 11544746 Patent No.: 7407938 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

_____
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.

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

Comments: _____

JAMES O. WILSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

1624

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3-29-2010

Patent No. : 7,652,701 B2
Ser. No. : 11/544,757
Inventor(s) : Masaru Osada
Issued : January 26, 2010

Re: Request for Certificate of Correction

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

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

By fax: (703) 872-9306
ATTN: Office of Petitions

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

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1583 or 1580

Chad J. Billings
Birch, Stewart, Kolasch & Birch, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747

ej

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SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN 2041 AU **AUSTRALIA**

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FEB 25 2009

OFFICE OF PETITIONS

In re Application of :
John Robert Sheahan, et. al. :
Application No. 11/544,774 : ON PETITION
Filed: October 10, 2006 :
Attorney Docket No. PUA005US :

This is a decision on the petition under 37 CFR 1.137(b), filed January 13, 2009, to revive the above-identified application.

The application became abandoned for failure to file a proper reply to the non-final Office action mailed June 27, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment and terminal disclaimer under 37 CFR 1.321 with the $280 fee; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 2861 for appropriate action by the Examiner in the normal course of business on the amendment filed with the present petition.

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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BALMAIN 2041 AU **AUSTRALIA**

MAILED

FEB 25 2009

OFFICE OF PETITIONS

In re Application of :
John Robert Sheahan, et. al. :
Application No. 11/544,774 : ON PETITION
Filed: October 10, 2006 :
Attorney Docket No. PUA005US :

This is a decision on the petition under 37 CFR 1.137(b), filed January 13, 2009, to revive the above-identified application.

The application became abandoned for failure to file a proper reply to the non-final Office action mailed June 27, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment and terminal disclaimer under 37 CFR 1.321 with the $280 fee; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 2861 for appropriate action by the Examiner in the normal course of business on the amendment filed with the present petition.

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

Andrea Smith
Petitions Examiner
Office of Petitions

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DTW May-08

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

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MAY 15 2008

OFFICE OF PETITIONS

In re Application of :
Meng Wang :
Application Number: 11/544782 : ON PETITION
Filed: 10/06/2006 :
Attorney Docket Number: :
30952/42381 :

This is a decision on the "RESPONSE TO NOTICE OF INCOMPLETE NON-PROVISIONAL APPLICATION," filed on April 7, 2008, requesting that the application be accorded a filing date of October 6, 2006, with a complete specification, including 11 claims, as a part of the original disclosure.

The petition is **GRANTED**

The application was filed on October 6, 2006. The original application papers consisted of, inter alia, 18 pages of Chinese language text and four (4) sheets of drawings.

On February 8, 2008, the Office of Patent Application Processing (OPAP) mailed a "Notice of Incomplete Nonprovisional Application" stating that the application did not include at least one claim and that a complete specification as prescribed by 35 U.S.C. § 112 was required. The Notice also stated that the oath or declaration, an English translation of the specification, a statement that the translation is accurate, and the surcharge for an English translation were required.

In response, on April 7, 2008, the present petition was filed, accompanied by an English translation of the specification, the declaration, surcharge, and statement that the translation is true and accurate.

Petitioner, in essence, asserts that a complete specification, including 11 claims, in Chinese, was present in the application papers deposited on October 6, 2006. The petition is accompanied by a specification in English of 22 pages, including 11 claims, and a "Verification of Translation" by Dong Jing, affirming that the English specification filed therewith is a true and accurate translation of true and accurate translation of International Application No. PCT/CN2004/000977, the international application number appearing on the transmittal sheet and the foreign language application papers present on filing.

The Chinese language specification filed on October 6, 2006, has been located in the file. Accordingly, the Notice of Incomplete Nonprovisional Application mailed on February 8, 2008, was mailed in error and is hereby vacated to the extent that it states that the specification does not include at least one claim.

As the petition was not necessitated by an error on the part of petitioner, no petition fee is due.

The application file will be referred to the Office of Patent Application Processing for further processing with a filing date of **October 6, 2006**, using the 22 pages of Chinese text and drawings as the specification, including the claims, and drawings, and the one (1) page of abstract, as the original disclosure, and an indication in Office records that 11 claims were submitted on filing. The English copy of the specification, claims, drawings, and abstract filed with the present petition will be used for examination purposes.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Trop Pruner & Hu, PC
1616 S. Voss Road, Suite 750
Houston, TX 77057-2631

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OFFICE OF PETITIONS

In re Application of	:	
John Morton et al.	:	
Application No. 11/544,783	:	DECISION ON PETITION
Filed: October 6, 2006	:	TO WITHDRAW
Attorney Docket No. LLE.002US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 25, 2007.

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

A review of the file record indicates that the power of attorney to Trop Pruner & Hu, PC has been revoked by the assignee patent application on July 19, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Toler Schaffer, LLP**
8500 Bluffstone Cove
Suite A201
Austin, TX 78759

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

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JUN 23 2008

OFFICE OF PETITIONS

In re Application of :
Robert D. Hillhouse :
Application No. 11/544,801 : DECISION ON PETITION
Filed: October 6, 2006 : TO WITHDRAW
Attorney Docket No. PH-0772 : FROM RECORD
:

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 10, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Woodcock Washburn, LLP has been revoked by the assignee of the patent application on June 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 undersigned at 571-272- 1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: PERKINS COIE
1201 THIRD AVENUE
SUITE 4800
SEATTLE, WA 98101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/544,801	10/06/2006	Robert D. Hillhouse	IVPH-0772

CONFIRMATION NO. 1697

POA ACCEPTANCE LETTER

25096
PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

Date Mailed: 06/19/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/10/2008.

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

/sibrahim/

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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Alexandria, VA 22313-1450
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WOODS FULLER SHULTZ & SMITH P.C.
ATTN: JEFFREY A. PROEHL
P.O. BOX 5027
SIOUX FALLS, SD 57117

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In re Application of :
Carlton Hupke, et al. :
Application No. 11/544,829 : DECISION GRANTING PETITION
Filed: October 6, 2006 : UNDER 37 CFR 1.137(f)
Attorney Docket No. 32084 :

This is a decision in response to the petition, filed August 18, 2008, under 37 CFR 1.137(f) 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.

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 October 9, 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 petition is 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 February 19, 2009 accompanies this decision on petition.

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

This application is being referred to the Technology Center 3686 for examination in due course.

Sherry D. Brinkley
Petitions Examiner
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
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
11/544,829	10/06/2006	Carlton Hupke	32084

CONFIRMATION NO. 3244

40158
WOODS FULLER SHULTZ & SMITH P.C.
ATTN: JEFFREY A. PROEHL
P.O. BOX 5027
SIOUX FALLS, SD 57117

NONPUBLICATION RESCISSION LETTER

OC000000033103013

Date Mailed: 11/14/2008

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 02/19/2009.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

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

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

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

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

/sdbrinkley/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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Lawrence R. Oremland, P.C.
Suite C-214
5055 E. Broadway Blvd.
Tucson, AZ 85711

Mail Date: 04/21/2010

Applicant	: Daniel G. Smith	: DECISION ON REQUEST FOR
Patent Number	: 7612892	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/544,833	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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Knobbe Martens Olson & Bear LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

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AUG 0 7 2007

OFFICE OF PETITIONS

In re Application of :

Albert C. Brown et al. :
Application No. 11/544,872 : DECISION ON PETITION
Filed: October 9, 2006 : TO WITHDRAW
Attorney Docket No. FILNTP.397A : FROM RECORD
:

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

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must 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 M. Grover on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Albert C. Brown at the address indicated below.

There is no outstanding Office action at this time.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Albert C. Brown**
1011 England Street
Apt. C
Huntington Beach, CA 92648

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/544,872	10/09/2006	Albert C. Brown	FILNTP.397A

CONFIRMATION NO. 9370

OC000000025221987

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Date Mailed: 08/07/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/26/2007.

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

Terri Williams

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Buhler Associates
Buhler, Kirk A.
1101 California Avenue
Suite 208
Corona, CA 92881

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JAN 16 2009

OFFICE OF PETITIONS

In re Application of :
Ricado Palos :
Application No. 11/544,877 : DECISION ON PETITION
Filed: October 10, 2007 : TO WITHDRAW
Attorney Docket No. RP01-01U : FROM RECORD
:

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 1, 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 Ricardo Palos on behalf of all attorneys/agents associated with customer number 37038. All attorneys/agents associated with customer number 37038 have been withdrawn.

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

The correspondence has been changed. The new address is copied below.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Ricardo Palos
2884 W. Buena Vista Drive
Rialto, CA 92377

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/544,877	10/10/2006	Ricardo Palos	RP01-01U

CONFIRMATION NO. 8804

POWER OF ATTORNEY NOTICE

37038
BUHLER ASSOCIATES
BUHLER, KIRK A.
1101 CALIFORNIA AVE.
SUITE 208
CORONA, CA 92881

Date Mailed: 01/16/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/01/2008.

- 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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/544,884	10/08/2006	1762	500	J-HITT.1022	1	9	2

CONFIRMATION NO. 9540

CORRECTED FILING RECEIPT

56703
ROBERT D. VARITZ, P.C.
4915 SE 33RD PLACE
PORTLAND, OR 97202

OC000000021298732

Date Mailed: 11/20/2006

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

Applicant(s)

Thomas S. Ohnstad, Salem, OR;
Russell A. Monk, Salem, OR;

Assignment For Published Patent Application

High Impact Technology, L.L.C.

Power of Attorney:

Jon Dickinson--22820
Robert Varitz--31436

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/726,417 10/12/2005 *
(*)Data provided by applicant is not consistent with PTO records.

Foreign Applications

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

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Pipeline-straddling protective barrier coating

Preliminary Class

427

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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MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO
666 THIRD AVENUE
NEW YORK NY 10017

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DEC 13 2007

OFFICE OF PETITIONS

In re Application of	:	
Laurence Lawton et al	:	DECISION GRANTING STATUS
Application No. 11/544,893	:	UNDER 37 CFR 1.47(a)
Filed: October 6, 2006	:	
Attorney Docket No. 26786-507	:	

This is in response to the petitions filed May 30, 2007, under 37 CFR 1.47(a), and under 37 CFR 1.182 to correct the inventor's name.

The petitions are **GRANTED.**

Petitioner has shown that the non-signing inventor cannot be located to join in the filing of the above-identified application.

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

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

As to the petition under 37 CFR 1.182:

Office records have been corrected to reflect the above inventor's name as Laurence Lawton instead of Lawton Laurence. A corrected filing receipt accompanies this decision.

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

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

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

Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/544,893	10/06/2006	3733	1280	26786-507	23	3

CONFIRMATION NO. 9543

35437
MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO
666 THIRD AVENUE
NEW YORK, NY 10017

CORRECTED FILING RECEIPT

OC000000027261268

Date Mailed: 12/13/2007

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

Applicant(s)

Laurence Lawton, Vista, CA;
Thomas Purcell, Del Mar, CA;

Assignment For Published Patent Application

ALPHATEC SPINE, INC., Carlsbad, CA

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/725,031 10/07/2005

Foreign Applications

If Required, Foreign Filing License Granted: 10/26/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/544,893**

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Transverse rod connector

Preliminary Class

606

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/544,909	10/05/2006	Sharf U. Ahmed	DO-014-US-02	9803

27091 7590 03/04/2010

H.B. FULLER COMPANY
Patent Department
1200 WILLOW LAKE BLVD.
P.O. BOX 64683
ST. PAUL, MN 55164-0683

EXAMINER	
HAND, MELANIE JO	
ART UNIT	**PAPER NUMBER**
3761	

NOTIFICATION DATE	DELIVERY MODE
03/04/2010	ELECTRONIC

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

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

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

patent.dept@hbfuller.com
rebecca.mcelhone@hbfuller.com

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Commissioner for Patents
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Alexandria, VA 22313-1450
www.uspto.gov

H.B. FULLER COMPANY
Patent Department
1200 WILLOW LAKE BLVD.
P.O. BOX 64683
ST. PAUL MN 55164-0683

In re Application of:
AHMED, SHARF U. et al
Serial No.: 11/544,909
Filed: Oct. 5, 2006
Docket: DO-014-US-02
Title: WETNESS INDICATING COMPOSITION

DECISION ON PETITION TO REVIEW RESTRICTION REQUIREMENT UNDER 37 CFR 1.144

This is a decision on the petition filed December 3, 2009 to review the election of species requirement promulgated in March 3, 2009 Office action. The petition is being considered pursuant to 37 CFR 1.181 and CFR 1.144 and no fee is required for the petition.

The petition is **GRANTED**.

In the December 3, 2009 petition, petitioner requests the examiner to reconsider the election of species requirement of March 3, 2009 and withdrawal of claims 1-12 and 14-22 from consideration in the July 17, 2009 Office action. The petitioner contends that these claims do overlap in scope on the elected species.

After consulting with the examiner, it was agreed that claims 1-12 and 14-22 should be rejoined. The election of species requirement of March 3, 2009 is withdrawn as requested. An Office action on the merits including the rejoined claims will follow in due course. Therefore, the request to withdraw the election of species is hereby granted.

The application is being forwarded to the examiner via the Supervisory Patent Examiner for consideration of Rule 111 amendment filed on October 15, 2009. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED

Donald T. Hajec, Director
Technology Center 3700

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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SEP 30 2008

OFFICE OF PETITIONS

THELEN LLP
P.O. Box 640640
SAN JOSE, CA 95164-0640

In re Application of :

KUIVENHOVEN, Robert :
Application No. 11/544,912 : DECISION ON PETITION TO
Filed: October 5, 2006 : WITHDRAW FROM RECORD
Attorney Docket No. 650007-003 :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 8, 2008.

The request is APPROVED.

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

The request was signed by David B. Ritchie on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: ROBERT KUIVENHOVEN
28274 THORNY BRAE
FARMINGTON HILLS, MI 48331

cc: SONG ZHU SQUIRE SANDERS & DEMPSEY, LLP
ONE MARITIME PLAZA, SUITE 300
SAN FRANCISCO, CA 94111

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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STERNE, KESSLER, GOLDSTEIN & FOX
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

MAILED

MAR 27 2009

OFFICE OF PETITIONS

In re Application of
Van Herpen et al
Application No. 11/544,930
Filed: October 10, 2006
Attorney Docket No. 1857.8190000

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 26, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 27, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2884 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

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

Mail Date: 04/20/2010

Applicant	: Tony Dillon	: DECISION ON REQUEST FOR
Patent Number	: 7613618	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/544,935	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **234** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

Mail Date: 05/18/2010

Applicant	: Claudio Ravera	: DECISION ON REQUEST FOR
Patent Number	: 7642756	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/544,936	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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JEFFERSON IP LAW, LLP
1730 M STREET, NW, SUITE 807
WASHINGTON, DC 20036

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DEC 1 0 2008

OFFICE OF PETITIONS

In re Application of :
Domenic F. Terranova :
Application No. 11/544,950 : ON PETITION
Filed: October 6, 2006 :
Attorney Docket No. 3058.1008-009 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 20, 2008, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 26, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is June 27, 2008.

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

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

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

Irvin Dingle
Petition Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/544,950	10/06/2006	Domenic F. Terranova	3058.1008-009

CONFIRMATION NO. 7692

68103
Jefferson IP Law, LLP
1730 M Street, NW
Suite 807
Washington, DC 20036

POA ACCEPTANCE LETTER

OC000000033512347

Date Mailed: 12/09/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/20/2008.

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

/idingle/

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
11/544,950	10/06/2006	Domenic F. Terranova	3058.1008-009

CONFIRMATION NO. 7692

POWER OF ATTORNEY NOTICE

21005
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

Date Mailed: 12/09/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/20/2008.

- 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).

/idingle/

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

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OFFICE OF PETITIONS

FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

In re Application of
Haruna et al.
Application No. 11/544,966
Filed: October 6, 2006
Attorney Docket No. P3597US00

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 22, 2009.

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

A review of the file record indicates that the power of attorney to practitioners associated with Foley and Lardner LLP was revoked by the assignee of the patent application on November 9, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: DITTHAVONG MORI & STEINER, P.C.
918 PRINCE STREET
ALEXANDRIA, VA 22314

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Paper No.

T. D. FOSTER
12760 HIGH BLUFF DRIVE
SUITE 300
SAN DIEGO CA 92130

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APR 16 2007

OFFICE OF PETITIONS

In re Application of :
Eugene Levin :
Application No. 11/544,970 : DECISION ON PETITION
Filed: October 6, 2006 :
Attorney Docket No. 6080.008-01 :

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.181 TO ACCORD ORIGINAL FILING DATE," filed December 27, 2006. This petition is properly treated as a petition under 1.53(e)(2), requesting that the Office accord the above-identified application a filing date of October 6, 2006 with figure 12 considered part of the original application disclosure.

Application papers in the above-identified application were filed on October 6, 2006. However, on November 7, 2006, the Office mailed a NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES. Applicants were advised, inter alia, that the application had been accorded a filing date of October 6, 2006; however, figure 12 described in the specification appeared to have been omitted.

Petitioner maintains that the above-identified application was deposited as Express Mail with the United States Postal Service with 10 sheets of drawings containing 12 figures on October 6, 2006, and therefore, applicants' referenced application is entitled to a filing date of October 6, 2006. In support thereof, petitioner submits among other things a copy of the Express Mail mailing label used to transmit the application and a copy of their return postcard receipt.

The specific issue is not whether petitioner has shown that the correspondence was deposited with the USPS on October 6, 2006, but rather whether petitioner has shown that the correspondence filed on that date included Figure 12.
The best evidence of what was filed on October 6, 2006, is applicants' postcard. A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

A review of petitioners' postcard receipt reveals that: 1) it was date stamped as received in the USPTO on October 6, 2006, and the items filed therewith were assigned Application No. 11/544970; 2) it specifically identifies the items being filed, including "[10] sheets of figures" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, petitioners have shown that the items denoted including 10 sheets of drawing figures were filed on October 6, 2006.

The application papers already considered received in the Office on January 25, 2006, were reviewed along with the drawing sheet containing figure 12 submitted on petition. These papers together constitute the items described on the postcard receipt as "[10] sheets of figures." It is concluded that petitioner has shown that Figure 12 was among the items present in the application on the date of deposit and should be included in the original application disclosure.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, petitioner's request to refund the petition fee is granted. The refund will be processed by the Office of Finance in due course.

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

- further processing with a filing date of October 6, 2006 using the application papers received in the Office and presently accorded that date; and figure 12 re-supplied on petition filed December 27, 2006;
- for indication in Office records, as appropriate, that 10 sheets of drawings were present in the application on filing.

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

Mail Date: 04/21/2010

Applicant	: Benoit Bouquier	: DECISION ON REQUEST FOR
Patent Number	: 7648167	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/544,976	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **531** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

MAILED

MAR 22 2010

OFFICE OF PETITIONS

In re Application of :
Gang Xu et al :
Application No. 11/544,978 : DECISION GRANTING PETITION
Filed: October 6, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. QCO.123A/051269 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 19, 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 4, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

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

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

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

Mail Date: 04/21/2010

Applicant	: Stanislaw Marczyk	: DECISION ON REQUEST FOR
Patent Number	: 7637410	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/544,983	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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Joseph C. Caiozza
321 W. Market Street
Long Beach NY 11561

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MAY 06 2010

OFFICE OF PETITIONS

In re Application of	:	
Garry Goodman	:	
Application No.: 11/545007	:	DECISION ON
Filing or 371(c) Date: 10/10/2006	:	PETITION
Title of Invention:	:	
MAGNETICALLY ENHANCED	:	
OIL FILTER APPARATUS	:	

This is a decision in response to the correspondence filed February 5, 2010. The correspondence is properly treated as a petition under 37 CFR 1.181 (no fee), to withdraw the holding of abandonment based upon non-receipt of an Office communication.

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. (Extensions of time require a fee). The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181," and should only address the deficiencies noted below. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due ("Notice"), mailed October 5, 2009. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on January 6, 2010. A Notice of Abandonment was mailed January 28, 2010.

Petition under 37 CFR 1.181

Applicant files the present petition and states that he did not receive the Notice. Applicant provides that he lived at the correspondence for over 30 years, but that he needed to moveh however, applicant states that he still has the apartment (the correspondence address of record), and the tenant in apt 1 holds his mail, which he picks up weekly.

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, provides

> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.
> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions). (Emphasis supplied).

Analysis/conclusion

The petition is not grantable at this time. The Office requirements for granting a petition to withdraw the holding of abandonment based upon non-receipt of an Office communication has been modified. The Office requires a statement from the petitioner describing the system used for recording an Office action received at the correspondence address of record. The statement should establish that the docketing system is sufficiently reliable. Here, applicant states only that the tenant in apt 1 holds his mail, which he picks up weekly. Petitioner should provide

clarification as to the system used for recording an Office action received at the correspondence address of record. Does the tenant in apt 1 retrieve petitioner's mail from petitioner's mail box or apartment?

In addition, a copy of the petitioner's record(s) required to show non-receipt of the Office action should include either a copy of the master docket (usually for a law firm), or if no such master docket exists, the petitioner should so state and provide other evidence such as, but not limited to, the following: a copy of the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Moreover, as stated in the MPEP, 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. Here, applicant states that the tenant in apt 1 holds his mail, which he picks up weekly. Office records reveal that the Notice was properly mailed to the correspondence address of record. Further, Office records do not indicate that there were any irregularities in the mailing. Also, petitioner provided that the mail apparently is being retrieved by the tenant in apt 1, and thereafter picked-up by petitioner. In view of the foregoing, 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.

The petition is dismissed.

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

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Joseph C. Caiozza
321 W. Market Street
Long Beach NY 11561

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JUL 08 2010

OFFICE OF PETITIONS

In re Application of :
Garry Goodman :
Application No.: 11/545007 : DECISION ON
Filing or 371(c) Date: 10/10/2006 : PETITION
Title of Invention: :
MAGNETICALLY ENHANCED :
OIL FILTER APPARATUS :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 9, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 5, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed October 5, 2009. Accordingly, the date of abandonment of this application is January 6, 2009.

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

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

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

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Date: 05/12/2010

Applicant	: Suresh Gingade Dinakaran	: DECISION ON REQUEST FOR
Patent Number	: 7614629	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/545,022	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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MAY 27 2008

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

In re Application of :
Morimoto, et al. :
Application No. 11/545,042 : DECISION
Filed/Deposited: 6 October, 2006 :
Attorney Docket No. 247322004000 :

This is a decision on the "Petition in Response to Notice to File Corrected Application Papers" filed on 27 December, 2006, and properly considered under 37 C.F.R. §1.53.

The Office regrets the delay in addressing the matter—the petition was presented to the attorneys in the Office of Petitions only at this writing.

For the reasons set forth below, the petition under 37 C.F.R. §1.53 is **GRANTED**.

BACKGROUND

The instant application was deposited on 6 October, 2006.

On 27 October, 2006, the Office of Patent Application Processing (OPAP) (formerly the Office of Initial Patent Examination (OIPE)) mailed a Notice to File Corrected Application Papers, including therein a Notice of Omitted Items (to wit: FIGS. 25(a) and 25(b) described in the application).

Thus, the application had been accorded a filing date, but without the above-referenced drawings/figures

OIPE indicated that Petitioner might:

- contend via petition that the drawings/figure were present upon deposit, and so evidence that condition with the proper supporting documentation (i.e., a date stamped receipt card (see: MPEP §503)) along with a copy of the drawings; or

- submit the drawings and accept the date of that submission as the filing date; or

- accept the application as filed.

OIPE set a two- (2-) month period for reply.

On 27 December, 2006, Petitioner submitted the instant petition, including therewith, *inter alia*, what is averred to be true copies of FIGS. 25(a) and 25(b) described in the application and averred to be present on deposit on 6 October, 2006, along with a copy of Petitioner's date-stamped ("100606") receipt card.

ANALYSIS

A search of the official file reveals that:

- on 6 October, 2006, Petitioner deposited the instant application;

- the Office record appears, as discussed hereinabove, to have reflected that the drawings/figures, FIGS. 25(a) and 25(b) described in the application, were missing upon deposit;

- the date-stamped receipt card evidences—in pertinent part—the following:

***

Drawings (23 sheets) (Emphasis supplied)

***

It is noted that the sheets previously revealed to be present are numbered sequentially 1of 23 through 22 of 23 and there are no duplicate sheets, and the sheet submitted as containing FIGS. 25(a) and 25(b) described in the application is numbered 23 of 23.

Because Petitioner's receipt card adequately itemized the contents of the application as to the elements deposited, it is concluded that the application, including 102 pages of specification (description, claims and abstract) and 23 sheets of drawings, was deposited with the Office on 6 October, 2006, and one sheet of drawings (23 of 23, FIGS. 25(a) and 25(b) described in the application subsequently was misplaced in the Office.

Accordingly, the application, including 102 pages of specification (description, claims and abstract) and 23 sheets of drawings including sheet 23 of 23 containing FIGS. 25(a) and 25(b) described in the application, is entitled to a filing date of 6 October, 2006.

The Notice mailed 27 October, 2006, was sent in error (to the extent that it reflected the omission of FIGS. 25(a) and 25(b) described in the application), and is hereby **vacated** to the extent that it stated that the application was filed without FIGS. 25(a) and 25(b) described in the application.

CONCLUSION

The petition is **granted**; the petition fee waived and will be refunded to Deposit Account 03-1952—should Petitioner later find that a charge was not refunded, Petitioner should send a refund request to Office of Finance with a copy of this decision.

This application is released to OPAP for further processing with a filing date of 6 October, 2006, for the entire application including 102 pages of specification (description, claims and abstract) and twenty-three (23) sheets of drawings, with pages 1 – 102 of the specification (description, claims), and 23 sheets of drawings described in the specification, using:

- **102 pages of specification (description and claims) and 22 sheets of drawings ((1 of 23 through and including 22 of 23) deposited on 6 October, 2006; and**
- **One (1) sheets of drawings (FIGS. 259a) and 25(b) sheet 23 of 23) deposited on 27 December, 2006; and further**
-

with direction to OPAP to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 6 October, 2006, and reflecting therein that 102 pages of specification (description and claims) and 23 sheets of drawings were present on filing.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

---

[1] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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JOHN M. NOVOSEL
12708 PEMBROKE LANE
LEAWOOD, KS 66209

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JAN 29 2008

OFFICE OF PETITIONS

In re Application of :
John Michael Novosel :
Application No. 11/545,055 : ON PETITION
Filed: October 10, 2006 :
Attorney Docket No. Player :

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Requirements (Notice) mailed October 30, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 31, 2006.

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

This matter is being referred to the Initial Patent Examination Unit.

Irvin Dingle
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/545,072	10/10/2006	Shihshieh Huang	38-15(53429)135	8904

27161 7590 05/17/2010

MONSANTO COMPANY
800 N. LINDBERGH BLVD.
ATTENTION: GAIL P. WUELLNER, IP PARALEGAL, (E1NA)
ST. LOUIS, MO 63167

EXAMINER	
ZHENG, LI	
ART UNIT	**PAPER NUMBER**
1638	

MAIL DATE	DELIVERY MODE
05/17/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 17 2010

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

Mia Unson
MONSANTO COMPANY
800 N. LINDBERGH BLVD.
ATTENTION: GAIL P. WUELLNER, IP PARALEGAL, (E1NA)
ST. LOUIS MO 63167

In re Application of	:
Huang et al	:Decision on Petition
Serial No.: 11/545,072	:
Filed : 10 October 2006	:
Attorney Docket No.:38-15(53429)135)	:

This letter is in response to the Petition filed under 37 CFR 1.144 filed on 6 January 2010 requesting reconsideration of the restriction requirement dated 1 April 2009.

BACKGROUND

On 1 April 2009, the examiner required an election between Group I, a product and Group II a method. The examiner also required an election of species of a single sequence and a single trait.

On 31 July 2009, applicant elected Group II with traverse. Applicant also traversed the requirement to elect a single sequence or a single trait.

On 27 October 2009, the examiner mailed to applicants a notice of non-responsive amendment. In that action, the examiner repeated the requirement to elect a single sequence and a single trait.

On 27 November 2009, applicant elected, with traverse, Group II, a set for five sequences, SEQ ID Nos 206, 207, 208, 209 and 210, and the trait of improved crop yield.

On 6 January 2010, applicants filed this petition.

On 24 March 2010, applicants filed an Information Disclosure Statement.

DISCUSSION

37 CFR 1.143 states:

> "If the applicant disagrees with the requirement for restriction, he may request reconsideration and withdrawal or modification of the requirement, giving the reasons therefor. (See § 1.111). In requesting reconsideration the applicant must indicate a provisional election of one invention for prosecution, which invention shall be the one elected in the event the requirement becomes final. The requirement for restriction will be reconsidered on such a request. If the requirement is repeated and made final, the examiner will at the same time act on the claims to the invention elected."

Moreover, 37 CFR 1.144 states

> After a final requirement for restriction, the applicant, in addition to making any reply due on the remainder of the action, may petition the Director to review the requirement. Petition may be deferred until after final action on or allowance of claims to the invention elected, but must be filed not later than appeal. A petition will not be considered if reconsideration of the requirement was not requested (see § 1.181).

In this instance, the petition is considered untimely because it has been filed before the examiner has formally reconsidered and made final the restriction requirement in an Office action on the merits as required by 37 CFR 1.143.

DECISION

For this reason, the petition filed 6 January 2010 is **DISMISSED**.

The application will be forwarded to the examiner for consideration of the papers filed on 27 November 2009 and the Information Disclosure Statement filed 24 March 2010.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 703-272-8300.

George C. Elliott

George Elliott
Director, Technology Center 1600

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ONE GATEWAY CENTER
NEWARK, NJ 07102

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MAR 09 2009

OFFICE OF PETITIONS

In re Application of
Boris Kharas
Application No. 11/545,077
Filed: October 6, 2006
Attorney Docket No. 06-40035-US

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 24, 2008, to revive the above-identified application.

The application became abandoned for failure to file a proper reply to the non-final Office action mailed on June 3, 2008.

The present petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Thomas J. McWilliams appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If Mr. McWilliams desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

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

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 an amendment; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office acknowledges receipt of $555 for a three month extension of time filed on December 24, 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 $555 extension of time submitted 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 2883 for further processing in accordance with this decision.

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

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Thomas J. McWilliams
Drinker Biddle & Reath, LLP
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996

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HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH VA 22042-2924

MAILED

JUL 09 2009

OFFICE OF PETITIONS

In re Application of:	:	
Chung et al.	:	
Application No. 11/545091	:	DECISION GRANTING
Filing or 371(c) Date: 10/06/2006	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
ELECTRO-MAGNETOPHORESIS	:	
DISPLAY	:	

This is in response to a "Petition Under 37 CFR § 1.47(a)," filed January 16, 2007, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor.

The petition is **granted**.

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

Petitioner has shown that the non-signing inventor, Rong-Chang LIANG, 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 Data Management for processing.

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

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

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MR. RONG-CHANG LIANG
875 BRENT DRIVE
CUPERTINO, CA 95014

MAILED

JUL 09 2009

OFFICE OF PETITIONS

In re Application of:	:	
Chung et al.	:	
Application No. 11/545091	:	LETTER
Filing or 371(c) Date: 10/06/2006	:	
Title of Invention:	:	
ELECTRO-MAGNETOPHORESIS	:	
DISPLAY	:	

Dear Mr. Liang:

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/
Derek L. Woods
Attorney
Office of Petitions

CC: HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH VA 22042-2924

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HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH, VA 22042-2924

Mail Date: 04/21/2010

Applicant	: Jerry Chung	: DECISION ON REQUEST FOR
Patent Number	: 7576904	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/545,091	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **19** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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POLSINELLI SHUGHART PC
700 West 47th Street
Suite 1000
KANSAS CITY, MO 64112

Mail Date: 04/20/2010

Applicant	: Gregory J. Simpson	: DECISION ON REQUEST FOR
Patent Number	: 7634553	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/545,129	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **137** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Davis & Bujold, P.L.L.C.
112 Pleasant Street
Concord, NH 03301

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OFFICE OF PETITIONS

In re Application of	:	
Daniel Dubiel	:	
Application No. 11/545,143	:	DECISION ON
Filed: October 10, 2006	:	PETITION TO WITHDRAW
Attorney Docket No. OPTPRO 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).

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed. Refer to Form No. PTO/SB/83 (Updated 4/2008).

It should also be noted that according to the Oath and Declaration filed on October 10, 2006 attorneys/agents were appointed by a customer number and that Scott A. Daniels is no longer an attorney of record in this application.

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

A change of correspondence address was filed on January 4, 2009. The change of address is not acceptable because it was not signed by an attorney of record. If Scott A. Daniels desires to receive future correspondence regarding this application, then the proper power of attorney documents and/or a statement under 37 CFR 3.73(b) must be submitted if an assignee has interest in this application.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Scott A. Daniels
Daniels Patent Law, PLLC
43 Centre Street
Concord, NH 03301

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DRINKER BIDDLE & REATH LLP
ATTN: PATENT DOCKET DEPT.
191 N. WACKER DRIVE, SUITE 3700
CHICAGO, IL 60606

Mail Date: 04/20/2010

Applicant	: Yoshiharu Gotanda	: DECISION ON REQUEST FOR
Patent Number	: 7652714	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/545,174	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **577** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Law Offices of Daniel L. Dawes
5200 Warner Blvd., Suite 106
Huntington Beach, CA 92649

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SEP 29 2008

OFFICE OF PETITIONS

In re Application of	:	
Raymond Bradley, et al.	:	
Application No. 11/545,175	:	DECISION ON PETITION
Filed: October 5, 2006	:	TO WITHDRAW
Attorney Docket No. SEP1.PAU.02	:	FROM RECORD
	:	

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

The request is **APPROVED**.

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

The request was signed by Joseph C. Andras on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is no outstanding Office action at this time.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Raymond Bradley**
32 San Marino Court
Walnut Creek, CA 94598

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/545,175	10/05/2006	Raymond Bradley	SEP1.PAU.02

CONFIRMATION NO. 2104

79782
Law Offices of Daniel L. Dawes
5200 Warner Blvd, Ste. 106
Huntington Beach, CA 92649

POWER OF ATTORNEY NOTICE

OC000000032309809

Date Mailed: 09/29/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/29/2008.

- 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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PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530

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OFFICE OF PETITIONS

In re Application :
Seong Heon Kim et al. :
Application No. 11/545,201 : DECISION ON APPLICATION
Filed: October 10, 2006 : FOR PATENT TERM ADJUSTMENT
Attorney Docket No. **IM06405US01** :

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b) filed February 11, 2010. Applicant requests that the determination of patent term adjustment be corrected from 387 to 610 days, in part on the basis that the Office will take in excess of three years to issue this patent.

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

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the patent term adjustment relating to those provisions until the patent has issued.

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

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of

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

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

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within two months after issuance pursuant to 37 CFR 1.705(d).

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

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Anthony Knight
Director
Office of Petitions

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

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1700 WEST PARK DRIVE, SUITE 280
WESTBOROUGH, MA 01581

Mail Date: 04/20/2010

Applicant	: Aaron Daniel Munter	: DECISION ON REQUEST FOR
Patent Number	: 7661070	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/545,203	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM MI 48009

OCT 23 2008

In re Application of: Kanouse Serial No.: 11/ 545,206 Filed: October 10, 2006 Title: TOOLING DIE SLIDE DRIVER	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 June 12, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.
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 petition was not filed with the application. 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. Applications filed before

the effective date will not be eligible for the revised accelerated examination program. The effective date of the change in practice was August 25, 2006. Thus the instant petition must be reviewed under the revised practice and the instant application is ineligible.

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. **Special status based upon infringement is no longer provided for by the policy**. 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 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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JAN 07 2008

OFFICE OF PETITIONS

In re Application of :
Peter T. McCarthy :
Application No. 11/545,227 : ON PETITION
Filed: October 10, 2006 :
Attorney Docket No.: 24652-61 (Natures.027C2) :

This application has come to the attention of this office by way of the petition under 37 CFR 1.183 filed November 8, 2007, on behalf of Amy Goldman (Goldman), the trustee of the bankruptcy estate of Peter T. McCarthy (McCarthy), requesting waiver of the requirements of 37 CFR 3.73(b) and 37 CFR 1.32(b)(4).

The petition is dismissed.

In support of the above-noted petition, petitioner proffers a copy of an Order Granting Trustee's Motion for Order Authorizing Trustee to Prosecute Certain Pending Patent Applications from United States Bankruptcy Court, Central District of California, San Fernando Valley Division, and urges that notwithstanding the absence of a signed assignment by the named inventor, the power of attorney by Goldman, previously refused by the USPTO, should be accepted and further, Goldman should be considered the applicant.

Amy Goldman Is Not the Assignee of the Entire Interest or the "Applicant" in the Absence of Waiver of the Rules under 37 CFR 1.183:

Under 37 CFR 3.71, the assignee of the entire interest may prosecute an application to the exclusion of the named inventor(s), or any previous assignee, and also revoke, or appoint, a power of attorney in an application or patent. Pursuant to 37 CFR 3.73(b) and MPEP 324, that assignee must present its showing to the Office, either prior to, or concurrently with, the paper that requests the action, and that documentation must be recorded at the USPTO.[1] A party

[1] 37 CFR 3.11 *et seq.*, especially 37 CFR 3.21, require that an assignment (not just the recordation cover sheet of 37 CFR 3.31) specifically identify the *application* against which the assignment is to be recorded, which merely codify long-extant USPTO requirements. See Ex Parte Williamson, 1899 C.D. 177, 178 (Comm'r Pat. 1899); In re Aerial Tel. and Power Co., 1912 C.D. 24 (Comm'r Pat. 1912). A distinction must be made between a property right to an "invention," and a property right to a patent application, as a given patent application may or may not embody that "invention." The relevant statutes and regulations only speak to the recordation of the assignment of "applications for patent", not inventions. See, e.g., 35 USC §

must establish that it is the owner of the entire interest, as the owner of only a part interest in an application does not have the sole right to control prosecution of the application. See In re Goldstein, 16 USPQ2d 1963, 1964 (Comm'r Pat. 1988; see also In re Scold, 195 USPQ 335, 335 (Comm'r Pat. 1976); Ex parte Harrison, 1925 Dec. Comm'r Pat. 122, 123 (Comm'r Pat. 1924). The procedures set forth in the regulations (e.g., 37 CFR 3.73(b)) serve to assure that papers filed with the USPTO in an application or patent are submitted on behalf of the owner(s) of the entire interest in the application or patent. See Goldstein, 16 USPQ2d at 1964.

Inventorship is the starting point for determining ownership, see University Patents, Inc. v. Kligman, 762 F.Supp. 1212, 1218-19, 20 USPQ2d 1401, 1405 (E.D. Pa. 1991), and unless there is an assignment, the USPTO will presume the named inventor to be the owner. See 37 CFR 3.73(a). Inspection of USPTO assignment records for the instant application fails to reveal that any written instrument has been recorded, or submitted for recordation, against this application, or the provisional and non-provisional applications whose benefit is herein claimed, and signed by McCarthy, that conveys his right title and interest herein to any other party, much less Goldman. Accordingly McCarthy is presumed to retain his ownership interest herein. See 37 CFR 3.73(a). It follows that Goldman is not the assignee of the entire interest of the above-identified application within the meaning of 37 CFR 3.71(a)(1), and as such Goldman is and remains a third party to the proceedings of this application.

Indeed, the third party papers admit that McCarthy has failed to sign an assignment for the present application. The third party papers either fail to realize, or conveniently ignore, the fact that the lack of a written document bearing McCarthy"s signature conveying his right title and interest in this application to Goldman is fatal to its burden of proving that Goldman is the assignee of the entire interest herein for purposes of intervening under 37 CFR 3.73(b). Indeed, the description of McCarthy's actions (or inactions) is the antithesis of a clear and unmistakable intent to transfer his ownership of this application to Goldman.

Thus, Goldman is not the assignee of the rights of McCarthy, within the meaning of 35 U.S.C. § 261 and 37 CFR 3.73(b) in the absence of McCarthy's signature on an assignment. In order for an instrument to be considered an assignment under the law in and of the United States, the conveyance **must be in writing.** See 35 U.S.C.A. § 256 n. 128. Further, that conveyance **must necessarily be executed by the assignor**. See 35 U.S.C.A. § 256 n. 136; Ashcroft v. Walworth, C.C. Mass 1872, Holmes 152, Fed. Cas. No. 580. Specifically, the assignment must be "in writing" in order to be valid or recognized by the USPTO. Standard Computing Scale Co. v. Lincoln Scale Corp., 57 F.2d 334, 11 USPQ 246 (W.D. Pa. 1931). In other words, the written conveyance must be duly signed by the assignor. American Tobacco v. Ascot Tobacco Works, 165 F. 207 (C.C. N.Y. 1908). While a valid assignment need not be executed under seal, the assignment must nevertheless be executed by the assignor. Gottfried v. Miller, 104 U.S. 521, 26 L.Ed. 851, 1882 C.D. 120. As noted in University Patents, Inc. v. Kligman, supra:

> Assignment of patent must be in writing, and writing must show clear and unmistakable

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261 and 37 CFR 3.11 et seq. Likewise, while 35 USC § 100 defines invention, § 100 does not define invention as being synonymous with, or meaning, "application for patent." This distinction is further evident from inspection of other sections of Title 35: e.g., 35 §§ 111, 119, 120, 121, 131.

intent to transfer ownership and **must be executed by patentee** or by patentee's assigns or legal representatives(emphasis added).

As it is undisputed that McCarthy has not executed an instrument in writing that assigned his rights, title and interest in this application to Goldman, any contention that Goldman is the assignee of McCarthy's interest must be regarded as untenable. The remainder of the showing attempted to overcome the above-noted fatal lack of an executed assignment of this application by assertions to the effect that under court order, this application would be considered "assigned" to Goldman, is not an instrument operating as a conveyance of, this application to Goldman. Accordingly, the right, title and ownership of the application is not transferred and in the absence of such a document the ownership is presumed to remain with the inventor. See 37 CFR 3.73(a). Petitioner is reminded that it is the patent statutes and regulations that govern proceedings before the USPTO, not bankruptcy regulations.

While petitioner contends that the court order establishes Goldman as the owner of the instant application the order fails to require McCarthy to transfer ownership of the application to Goldman and in fact states that said order is "not a finding that the patents will ultimately be found to property of the estate". Here we have no indication that McCarthy cannot assign his rights or that the court has ordered him to do so or that he cannot ultimately obtain permission of the court to prosecute the application by himself or by counsel of his choosing. This controversy is properly resolved by litigation in a court of competent jurisdiction. It is well settled that the Office is not the appropriate forum for resolving a dispute concerning the ownership of an application, and, as such, the USPTO will not permit itself to become embroiled in ownership disputes. See, Ex Parte Harrison, 1925 Dec. Comm'r Pat. 122, 123 (Comm'r Pat. 1924); In re Moller, 1904 Dec. Comm'r Pat. 70, 71 (Comm'r Pat. 1904); Ex Parte McTammany, 1900, 168, 181 (Comm'r Pat. 1900); Ex Parte McFarlane, 1896 Dec. Comm'r Pat. 37,38 (Comm'r Pat. 1896); Ex Parte Gallatin, 1892 Dec. Comm'r Pat 106 (Comm'r Pat. 1892).

Third party petitioner is, in essence, seeking to have the PTO make a determination from the proffered documentation, and settle its self created dispute as to the title of this application. It is well settled that the Office is not the appropriate forum for resolving a dispute concerning the ownership of an application, and, as noted above, the PTO will not permit itself to become embroiled in ownership disputes. Indeed, the USPTO has no authority to decide ownership issues. See Cedars-Sinai Medical Center v. Watkins, 11 F.3d. 1573, 1581 n.10, 29 USPQ2d 1188, 1194 n.10 (Fed. Cir 1993), cert. denied, 114 S. Ct. (1994). Rather, state law governs contractual obligations and transfers of property rights, including those relating to patents. See Regents of the University of New Mexico v. Knight, 66 USPQ2d 1001, 1008 (Fed. Cir. 2003). The USPTO cannot settle disputes as to title, or convert whatever equitable title that might exist in this application for petitioner simply by inspection of the documents upon which petitioner relies. Rather, a judicial tribunal is the appropriate forum to resolve such controversy. See Jim Arnold Corp. v. Hydrotech Sys., Inc., 109 F.3d 1567, 1572, 42 USPQ2D 1119, 1123 (Fed. Cir. 1997)("the question of who owns the patent right and on what terms typically is a question exclusively for state courts"); Roach v. Crouch, 24 N.W. 2d 400, 33 USPQ2D 1361 (Iowa 1994) (patent ownership issue properly triable in state court); In re Haines, 1900 C.D. 102, 103 (Comm'r Pat. 1900)(same).

The USPTO will not (and in any event cannot) determine whether the court order operated to convey McCarthy's rights in the invention set forth in this application to Goldman.

With respect to the request for extraordinary relief under 37 CFR § 1.183:

For the reasons noted above, petitioner must be regarded as a third party with respect to this application. A mere assertion of a right to have the Office act in accordance with the statutes and regulations does not confer standing upon a third party. The Boeing Company v. Commissioner of Patents and Trademarks, 853 F.2d 878, 7 USPQ2d 1487 (Fed. Cir. 1988). Further, a third party does not have standing to challenge Office decisions made *ex parte.* See, e.g., Godtfredsen v. Banner, 503 F.Supp 642, 647, 207 USPQ 202, 207 (D.D.C. 1980), Syntex v. United States Patent and Trademark Office, 882 F.2d 1570, 1574-1575, 11 USPQ2d 1866, 1870 (Fed. Cir. 1989), Hitachi Metals Ltd. v. Quigg, 776 F.Supp 3, 20 USPQ2d 1920 (Fed. Cir. 1989). There is nothing in the patent statutes which gives rise to a right in nonapplicants to object to the way in which patent applications of others are treated by the Patent and Trademark Office. A third party has no right to intervene in a particular patent application. Animal Defense Fund v. Quigg, 932 F.2d 920, 930, 18 USPQ2d 1677, 1685 (Fed. Cir. 1991); Hallmark Cards, Inc. v. Lehman, 959 F. Supp. 539, 42 USPQ2d 1134 (D.D.C. 1997). Accordingly to the extent that petitioner may seek to invoke 37 CFR 1.183, that petition is dismissed.

A courtesy copy of this decision is being mailed to counsel who filed this petition on behalf of Goldman. The USPTO will not undertake dual correspondence.

Third party and its representative are placed on notice that the Office considers the filing of a petition or other paper on behalf of a party having no standing in an application, and not otherwise authorized by the rules of practice, to be a petition or paper presented for an improper purpose (37 CFR 10.18). For example, the filing of a paper on behalf of a party in situations not authorized by the rules of practice delays the examination and processing of applications, which may cause harm to the general public if it results in the Office missing any one of the examination time frames specified in 35 U.S.C. §§ 154(b)(1)(A) or 154(b)(1)(B). Therefore, the Office may refer any further third party petitions in this or any other application to the Office of Enrollment and Discipline for appropriate action. See "Third Party Attempts to Protest or Otherwise Oppose the Grant of a Published Application," 1269 *Off. Gaz. Pat. Office* 179 (April 22, 2003)

Petitioner is reminded that 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. See 37 CFR 1.181(f).

Telephone inquiries related to this decision may be addressed to the David Bucci at (571) 272-7099.

Brian Hearn
Petitions Examiner

cc:
LEWIS, BRISBOIS, BISGAARD & SMITH LLP
221 NORTH FIGUEROA STREET
SUITE 1200
LOS ANGELES CA 90012

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OFFICE OF PETITIONS

In re Application of :
Allen S. Pucciani :
Application No. 11/545,244 : DECISION ON PETITION
Filed: October 10, 2006 :
Attorney Docket No. 20246 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 10, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a Notice of Appeal and Pre Appeal Brief Request for Review; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final rejection mailed February 26, 2008, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 3749 for appropriate action by the Examiner in the normal course of business on the reply received September 10, 2008.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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SEP 15 2008

In re Application of :
Ye **LI** :
Application No. 11/545,257 : DECISION ON PETITION
Filed: October 10, 2006 :
Attorney Docket No. ATT/1999-0759AC1 :

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

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before June 16, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed March 14, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on June 16, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the Issue Fee of $1440 and Publication Fee of $300; (2) the petition fee of $1540; and (3) the required statement of unintentional delay.

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

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

Thurman Page
Petitions Examiner
Office of Petitions

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

OCT 26 2007

In re Application of :
Larry D. Knerr
Serial No.: 11/545,276 : PETITION DECISION
Filed: December 10, 2006
Attorney Docket No.: 1484-007

This is in response to the petition under 37 CFR § 1.59(b), filed October 16, 2007, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on October 16, 2007, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Applicant may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist/Program Manager
Technology Center 1600

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MAR 0 7 2008

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of :
Larry D. Knerr : PETITION DECISION
Serial No.: 11/545,276
Filed: October 10, 2006
Attorney Docket No.: 1484-007

This is in response to the renewed petition under 37 CFR § 1.59(b), filed March 4, 2008, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on October 16, 2007 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper. Also, as stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. As this application has been allowed, the information is being returned to applicant.

Therefore, applicant's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist/Program Manager
Technology Center 1600

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JAMES E. BRUNTON, ESQ.
P. O. BOX 29000
GLENDALE, CA 91209

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JUL 19 2010

OFFICE OF PETITIONS

In re Application of :
Robert V. Rhodes, et al. :
Application No. 11/545,287 : DECISION ON PETITION
Filed: October 10, 2006 :
Attorney Docket No. 006-039 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 9, 2010, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, October 28, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 29, 2010.

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.

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

This application is being referred to Technology Center AU 3727 for appropriate action by the Examiner in the normal course of business on the reply received June 9, 2010.

April M. Wise
Petitions Examiner
Office of Petitions

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

Mail Date: 04/28/2010

Applicant	: Kevin L. Tapper	: DECISION ON REQUEST FOR
Patent Number	: 7661185	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/545,320	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **698** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

Barry Dove Patent Services, Inc.
324 Raintree Drive
Coppell, TX 75019

In re Application of :
Erick P. Flatt :
Application No. 11/545,333 : DECISION ON PETITION
Filed: October 10, 2006 : TO WITHDRAW
Attorney Docket No. 1060.1001 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 13, 2007.

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

A review of the file record indicates that the power of attorney to Barry Dove Patent Services, Inc. has been revoked by the applicant of the patent application on June 8, 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: **Scott T. Griggs**
901 Main Street
Suite 6300
Dallas, TX 75202

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OFFICE OF PETITIONS

ADVANCED BIONICS, LLC
25129 RYE CANYON LOOP
VALENCIA, CA 91355

In re Application of :
Tom X. HE, et al :
Application No. 11/545,334 : DECISION ON PETITION
Filed: October 10, 2006 : TO WITHDRAW
Attorney Docket No. 05-00435-13 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 8, 2008.

The request is **NOT APPROVED**.

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

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

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

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Wong, Cabello, Lutsch, Rutherford & Brucculeri LLP
20333 SH 249
Suite 600
Houston TX 77070

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JUL 09 2010

OFFICE OF PETITIONS

In re Patent No. 7,640,061 : DECISION ON REQUEST
Tom X. He et al. : FOR
Issue Date: December 29, 2009 : RECONSIDERATION OF
Application No. 11/545,334 : PATENT TERM ADJUSTMENT
Filed: October 10, 2006 : and
Atty Docket No. **585-0031US10/05-00435-13**: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on January 20, 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 five hundred seventy-one (571) 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 five hundred seventy-one 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.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

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 **five hundred seventy-one (571) 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 : 7,640,061 B2

DATED : Dec. 29, 2009

INVENTOR(S) : He 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 (491) days

Delete the phrase "by 491 days" and insert – by 571 days--

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OFFICE OF PETITIONS

SONNABENDLAW
600 PROSPECT AVE
BROOKLYN NY 11215

In re Application of	:	
Tony MALANDAIN et al.	:	
Application No. 11/545,347	:	DECISION ON PETITION
Filed: October 04, 2006	:	
Attorney Docket No. **BAI1.001**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 18, 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, June 10, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 11, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the response to the non-final office action of June 10, 2009 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 2164 for appropriate action on the concurrently filed amendment.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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Robert Z. Evora
4741 Planters Walk
Douglasville, GA 30135

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JUL 17 2009

OFFICE OF PETITIONS

In re Application of :
James Calvin Stanley :
Application No. 11/545,410 : ON PETITION
Filed: October 10, 2006 :
Attorney Docket No. James.001 :

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 timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of September 15, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time were obtained. Accordingly, the date of abandonment of this application is December 16, 2008. A Notice of Abandonment was mailed on April 13, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Examination), with the required fee of $405, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

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

This application is being referred to Technology Center AU 3611 for processing of the RCE and any action that is required by the Examiner in the normal course of business.

Carl Friedman
Petitions Examiner
Office of Petitions

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KELLEY DRYE & WARREN LLP
400 Atlantic Street, 13th Floor
Stamford, CT 06901

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JUL 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Keith W. Boone, et al.	:	
Application No. 11/545,414	:	DECISION ON PETITION
Filed: October 10, 2006	:	TO WITHDRAW
Attorney Docket No. NU-101(US)(D.1)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 16, 2009.

The request is **APPROVED**.

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

The request was signed by Marvin R. Wachs 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.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Keith W. Boone**
17 Norroway Avenue
Randolph, MA 02368

cc: **Wolf Greenfield & Sacks, P.C.**
600 Atlantic Avenue
Boston, MA 02210-2206

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/545,414	10/10/2006	Keith W. Boone	NU-101(US)(D.1)

CONFIRMATION NO. 2131

47670
KELLEY DRYE & WARREN LLP
400 ALTLANTIC STREET , 13TH FLOOR
STAMFORD, CT 06901

POWER OF ATTORNEY NOTICE

OC000000037137722

Date Mailed: 07/29/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/16/2009.

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

/tswilliams/

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

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 07/21/2010

Applicant	: Huang-Hsi Hsu	: DECISION ON REQUEST FOR
Patent Number	: 7649289	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/545,422	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **555** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Anders Johnson	: DECISION ON REQUEST FOR
Patent Number	: 7634665	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/545,446	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **254** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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CST

August 10, 2009

In re application of	:	DECISION ON REQUEST TO
Noriyasu Fukushima et al	:	PARTICIPATE IN PATENT
Serial No. 11/545,451	:	PROSECUTION HIGHWAY
Filed: October 11, 2006	:	PROGRAM AND
For: FABRICATION METHOD OF PHOTOMASK-BLANK	:	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 filed April 17, 2009.

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, 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 program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

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

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

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

CST

December 15, 2008

In re application of	:	DECISION ON REQUEST TO
Wonmun Choi	:	PARTICIPATE IN PATENT
Serial No. 11/545,489	:	PROSECUTION HIGHWAY
Filed: October 11, 2006	:	PILOT PROGRAM AND
For: SALT OF CARBOXYLIC ACID	:	PETITION TO MAKE SPECIAL
CONTAINING N-SUBSTITUTED	:	UNDER 37 CFR 1.102(d)
SUCCINIMIDE THIO GROUP	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed October 29, 2008.

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 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 (i) or (ii) 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).

It is noted that claim 5 of the present application requires that "N is magnesium" which differs from the phrase "M is magnesium" in the English translation of patented claim 1 of Japanese Patent Application 2005-296241. However it appears that this phrase in present claim 5 is clearly a typographical error and should read "M is magnesium". Applicant is encouraged to amend claim 5 for consistency with the present specification.

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.

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

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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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/545,520	10/11/2006	Jai-yong Han	0044.1002	1655

49455 7590 11/03/2008

STEIN, MCEWEN & BUI, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON, DC 20005

EXAMINER	
NHU, DAVID	

ART UNIT	PAPER NUMBER
2895	

MAIL DATE	DELIVERY MODE
11/03/2008	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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WASHINGTON, D.C. 20231
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Stein, McEven & Bui, LLP
1400 Eye Street, NW
Suite 300
Washington DC 20005

NOV -3 2008

In re Application of:
Jai-yong Han
Serial No.: 11/545,520
Filed: 11 October 2006
Attorney Docket No.: **0044.1002**

DECISION ON PETITION
FOR USE OF COLOR DRAWINGS UNDER 37
C.F.R 1.84(a)(2)

This is a decision in response to the petition under 37 C.F.R. 1.84(a)(2) filed 03 January 2007 with supplemental petition under 37 C.F.R 1.84(a)(2) filed 03 July 2008. The original petition was not filed as a separate paper from the preliminary amendment. This resulted in the petition not being properly entered as a petition. The supplemental petition was filed in order to properly establish the petition in this application. The supplemental petition is identical to the original petition as to the subject matter petitioned. The petition fee has been paid.

The petition is **GRANTED**.

The petition sets forth an explanation regarding why the color drawings are necessary, the required fee, three sets of color drawings. The required paragraph is also provided in the Specification.

Accordingly, the color drawings are accepted as formal drawings in the above-referenced application.

./N. Drew Richards/

N. Drew Richards, Supervisor
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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LITMAN LAW OFFICES, LTD
PO BOX 15035
CRYSTAL CITY STATION
ARLINGTON VA 22215

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OFFICE OF PETITIONS

In re Application of :
GRAY :
Application No. 11/545,555 : DECISION ON PETITION
Filed: October 11, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. 27397.00 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 11, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes an affidavit from inventor David R. Gray, 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 3618 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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

Mail Date: 05/21/2010

Applicant	: Jeong-Wook Seo	: DECISION ON REQUEST FOR
Patent Number	: 7656947	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/545,558	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **480** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Paper No.

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA VA 22320

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OFFICE OF PETITIONS

In re Application of	:	
Utsugi et al.	:	DECISION ON PETITION
Application No. 11/545,559	:	
Filed: October 11, 2006	:	
Atty Docket No. 129731	:	

This is a decision on the PETITION UNDER 37 C.F.R. §1.53(e)(2) - THE APPLICATION WAS COMPLETE AS FILED ON OCTOBER 11, 2006. Petitioners request that the Office accord the above-identified application a filing date of October 11, 2006, with pages 45 and 46 of the specification considered part of the original application disclosure.

Application papers in the above-identified application were deposited on October 11, 2006. However, on November 3, 2006, the Initial Patent Examination Division mailed applicants a NOTICE OF OMITTED ITEMS IN A NONPROVISIONAL APPLICATION. Applicants were thereby notified that the application papers had been accorded a filing date; however, pages 45 and 46 of the specification appeared to have been omitted from the application.

In response, applicants filed the instant petition (and petition fee). Applicants contend that pages 45 and 46 were originally filed in the US Patent and Trademark Office on October 11, 2006, and that pages 45 and 46 were subsequently misplaced. In support thereof, applicants submitted a copy of their stamped acknowledgment receipt (of hand-delivery of the application papers). Applicants also supplied copies of pages 45 and 46.

A postcard receipt, which itemizes and properly identifies the items, which are being filed, serves as prima facie evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioners' acknowledgment receipt reveals that: 1) it was date stamped as received in the USPTO on October 11, 2006, 2) it specifically identifies the items being filed, including "49 pp. spec" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, petitioners have shown that the items denoted, including 49 pages of specification, were filed on October 11, 2006.

The application papers already considered received in the Office on October 11, 2006, were reviewed along with pages 45 and 46 of the specification submitted on petition. These papers together constitute the items described on the postcard receipt as "49 pp. spec." It is concluded that petitioner has shown that pages 45 and 46 were among the items present in the application on the date of deposit and should be included in the original application disclosure.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, petitioner's request to refund the petition fee is granted. The petition fee is being refunded to Deposit Account No. 15-0461, as authorized.

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

- further processing with a filing date of October 11, 2006 using the application papers received in the Office and presently accorded that date; and pages 45 and 46 of the specification (CLM) re-supplied on petition filed November 13, 2006; and

- for indication in Office records, as appropriate, that pages 45 and 46 of the specification were present in the application on filing.

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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

Mail Date: 04/26/2010

Applicant	: Hiroyuki Oshima	: DECISION ON REQUEST FOR
Patent Number	: 7643079	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/545,564	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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OFFICE OF PETITIONS

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

In re Application of :

TRETHEWEY, Jim :
Application No. 11/545,588 : DECISION ON PETITION
Filed: October 11, 2006 : TO WITHDRAW
Attorney Docket No. **070702004500** : FROM RECORD
:

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 **APPROVED**.

A grantable request to withdraw as attorney/agent of record must 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. Davis on behalf of all attorneys of record who are associated with customer No. 25227. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no outstanding office actions at this time.

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

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **JIM R. TRETHEWEY**
1010 NE HORIZON LOOP, #1910
HILLSBORO, OR 97124

cc: **DARBY & DARBY P.C.**
1500 K. STREET, N.W.
SUITE 250
WASHINGTON, D.C. 20005-1714

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/545,588	10/11/2006	Jim R. Trethewey	070702004500

CONFIRMATION NO. 1776

OC000000024386199

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

Date Mailed: 06/15/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/23/2007.

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

Michelle R. Eason

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

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

Mail Date: 04/21/2010

Applicant	: Hyung-soo Kim	: DECISION ON REQUEST FOR
Patent Number	: 7633664	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/545,626	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **334** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

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OFFICE OF PETITIONS

In re Application of	:	
Lee et al.	:	
Application No. 11/545,647	:	ON PETITION
Filed: October 10, 2006	:	
Attorney Docket No. 0492611-0717	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed June 10, 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 Replacement Drawing, (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 the Office of Patent Application Processing for further processing.

Liana Walsh
Petitions Examiner
Office of Petitions

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BOSTON MA 02110

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OFFICE OF PETITIONS

In re Application of.
Lee, et al.
Application No.: 11/545,647 : ON PETITION
Filed: October 10, 2006
Attorney Docket No: 0492611-0717 (MIT10183)

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO, CA 94108

Mail Date: 04/20/2010

Applicant	: Anno R. Langen	: DECISION ON REQUEST FOR
Patent Number	: 7661027	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/545,648	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **577** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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EAST HANOVER NJ 07936-1080

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OFFICE OF PETITIONS

In re Application of :
Jan-Erik LofRoth, et al. :
Application No. 11/545,650 :
Filed: October 10, 2006 :
Attorney Docket No. 0072078-000003 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 8, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed April 20, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 21, 2009. The Notice of Abandonment was mailed December 3, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (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.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 12/795,801.

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

Terri Johnson
Petitions Examiner
Office of Petitions

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Commissioner for Patents
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14 FEB 2008

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

In re Application of :
JASON H. ANDERSON et al. : DECISION ON
Application No.: 11/545,653 :
Filing Date: 09 October 2006 : PETITION
Attorney's Docket No.: 1981510-A :
For: FILTER SYSTEM FOR AN AUTOMOBILE ENGINE : 37 CFR 1. 137(b)

This is a decision in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 09 October 2006.

BACKGROUND

On 06 November 2003, applicant filed international application PCT/US03/35192. The application claimed no priority. Thus, the deadline for filing the basic national fee was thirty months from the international filing date or 06 May 2006.

On 09 October 2006, applicant filed a "Non-Provisional Utility Patent Application Transmittal" letter filing the international application in United States as a utility application along with a petition to revive the international application. The transmittal letter was accompanied by, *inter alia*, the utility filing fee of $150 and a declaration executed by the inventor. The transmittal letter did not expressly request commencement of U.S. national procedures under 35 U.S.C. 371(f).

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 "the entire delay in filing the required reply from the due date for the required 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(b).

With respect to Item (1), as set forth in MPEP section 711.03(c)(II)(A), the required reply is generally "the reply sufficient to have avoided abandonment, had such reply been timely filed." The MPEP notes that 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).

In the present circumstances, the "required reply" needed to revive international application PCT/US03/35192 would be the filing of a U.S. national stage application of this international application under 35 U.S.C.371 (accompanied by, at least, the basic national fee) or

a proper continuation of the international application filed under 35 U.S.C. 111(a). As discussed below, applicants have filed neither.

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). *See* 37 CFR 1.495(f):

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

In addition, MPEP 1893.03(a) states that:

> If there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C.371, the application will be accepted under 35 U.S.C. 111(a).

As noted above, applicant identified the present application as a utility application rather than a U.S. national stage filed under 35 U.S.C. 371(c). This indication is not consistent with the intent to file a U.S. national stage application and constitutes "conflicting instructions" requiring the present application to be treated as a filing under 35 U.S.C. 111(a). Accordingly, the present application is not a U.S. national stage of the international application filed under 35 U.S.C. 371, and the filing of this application therefore cannot be treated as the "required reply" necessary to revive the international application.

In addition, the present application is not a proper continuation of the international application in that the application does not include the proper continuity reference required for the application to be considered a continuation of the international application. Specifically, applicant did not file an ADS including a domestic priority claim. Nor did applicant make a reference in the form required by 37 CFR 1.78(a)(2)(i).[1] Accordingly, the present application is not, at this time, a proper continuation of the international application, and the filing of this application, therefore, cannot be treated as the "required reply" necessary to revive the international application.

Based upon the above, applicants have not satisfied Item (1) of a grantable petition, that is, applicants have not provided the "required reply".

Applicants paid the required petition fee, satisfying Item (2). Item (3) above is satisfied because the present petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition pursuant to this paragraph was unintentional".

In light of the above, Item (1) is not satisfied and the petition to revive is dismissed.

CONCLUSION

The present application is considered a new U.S. utility application filed under 35 U.S.C.

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[1] Specifically, the reference in the amendment to the specification does not state the relationship of the present application to the international application, for example, "the present application is a continuation of the international application PCT/US03/35192, filed November 6, 2003".

111(a).

For the reasons set forth above, the "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally 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 for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b)" and must include the materials required to satisfy the outstanding requirements for a grantable petition, as discussed above and in the MPEP. The required reply in the form of either the materials necessary to make the present application a proper continuation of PCT/US03/35192 (i.e. an amendment to the specification adding an acceptable reference) or the filing of a U.S. national stage of the international application under 35 U.S.C. 371 (accompanied by, at least, the required basic national fee). Extensions of time may be obtained under 37 CFR 1.136(a).

Pursuant to 37 CFR 1.78(a)(2) and (3), if the continuity reference required for the present application to be considered a continuation of the international application is not added prior to the expiration of four months from the filing date of the present application, a petition for acceptance of an unintentionally delayed benefit claim is required (with requisite petition fee). *See also* MPEP §1895.01.

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

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

26 JUN 2008

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

In re Application of JASON H. ANDERSON et al. Application No.: 11/545,653 Filing Date: 09 October 2006 Attorney's Docket No.: 1981510-A For: FILTER SYSTEM FOR AN AUTOMOBILE ENGINE	DECISION ON PETITION 37 §§ CFR 1. 137(b) and 1.78(a)(3)

This is a decision in response to applicant's "Renewed Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 11 April 2008.

BACKGROUND

On 06 November 2003, applicant filed international application PCT/US03/35192. The application claimed no priority. Thus, the deadline for filing the basic national fee was thirty months from the international filing date or 06 May 2006.

On 09 October 2006, applicant filed a "Non-Provisional Utility Patent Application Transmittal" letter filing the international application in United States as a utility application along with a petition to revive the international application. The transmittal letter was accompanied by, *inter alia*, the utility filing fee of $150 and a declaration executed by the inventor. The transmittal letter did not expressly request commencement of U.S. national procedures under 35 U.S.C. 371(f).

On 10 April 2008, a decision dismissing the petition to revive was mailed to applicant indicating that applicant had filed an application under 35 U.S.C. 111 and had not provided the proper continuity reference required for the application to be considered a continuation of the international application.

On 11 April 2008, applicant filed the instant response.

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 "the entire delay in filing the required reply from the due date for the required 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(b).

Applicant previously satisfied Items (2) and (3). With regard to Item (1), the "required reply" needed to revive international application PCT/US03/35192 may be the filing of a proper continuation of the international application filed under 35 U.S.C. 111(a). As discussed below, applicants have filed a 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 required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above and is dismissed.

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 PCT/US03/35192, filed November 6, 2003." Here the benefit claim states: "This application is a U.S. National stage filed under 35 U.S.C. 371(c), which is a continuation of a revived PCT patent application serial no. PCT/US2003/035192, filed November 6, 2003. This continuation application claims priority to the November 6, 2004 filing date of the PCT patent application serial no. PCT/US2003.035192, which is hereby incorporated by reference." This is incorrect as application no. 11.545,653 is not a national stage application under 35 U.S.C. 371 but a U.S. application pursuant to 35 U.S.C. 111.

Accordingly, before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) and a substitute amendment (complying with 37 CFR 1.121) stating the relationship of the prior-filed application to the instant application is required.

Item (2) above has been satisfied with the payment of the prescribed surcharge charged to applicant's deposit account per his authorization. Item (3) has been satisfied with the proper statement regarding unintentional delay.

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

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

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

By fax: (571) 273-0459
ATTN: Office of PCT Legal Administration

Any inquiries concerning this decision may be directed to Cynthia M. Kratz at (571) 272-3286.

Boris Milef
Office of PCT Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

27 OCT 2008

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

In re Application of
JASON H. ANDERSON et al.
Application No.: 11/545,653
Filing Date: 09 October 2006
Attorney's Docket No.: 1981510-A
For: FILTER SYSTEM FOR AN AUTOMOBILE ENGINE

: DECISION ON
: RENEWED PETITION
: 37 CFR §§1.78(a)(3) and 1.137(b)

This is a decision in response to applicant's "Renewed Petition Under 37 CFR 1.78(a)(3) for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 03 August 2008.

BACKGROUND

On 06 November 2003, applicant filed international application PCT/US03/35192. The application claimed no priority. Thus, the deadline for filing the basic national fee was thirty months from the international filing date or 06 May 2006.

On 09 October 2006, applicant filed a "Non-Provisional Utility Patent Application Transmittal" letter filing the international application in United States as a utility application along with a petition to revive the international application. The transmittal letter was accompanied by, *inter alia*, the utility filing fee of $150 and a declaration executed by the inventor. The transmittal letter did not expressly request commencement of U.S. national procedures under 35 U.S.C. 371(f).

On 10 April 2008, a decision dismissing the petition to revive was mailed to applicant indicating that applicant had filed an application under 35 U.S.C. 111 and had not provided the proper continuity reference required for the application to be considered a continuation of the international application.

On 11 April 2008, applicant filed a response.

On 26 June 2008, a decision dismissing the petition was mailed to applicant indicating that before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) and a substitute amendment (complying with 37 CFR 1.121) stating the relationship of the prior-filed application to the instant application was required.

On 03 August 2008, a renewed petition under 37 CFR 1.78(a)(3) was filed.

DISCUSSION

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 and 365(c) to the prior-filed PCT application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this instant 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 365(c) 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 this application is entitled to the benefit of the earlier filing date.

With regard to the renewed petition under 37 CFR 1.137(b), 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 "the entire delay in filing the required reply from the due date for the required 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(b).

Items (2) and (3) above were previously satisfied. Item (4) is not required in the instant application. Item (1) is now satisfied with the submission of the amendment to the first sentence of the specification, that is, a proper reference to the prior-filed non-provisional application and granting of the petition under 37 CFR 1.78(a)(3). The renewed petition under 37 CFR 1.137(b) is GRANTED.

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

Any inquiries concerning this decision may be directed to Cynthia M. Kratz at (571) 272-3286. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Boris Milef
Senior Legal Examiner
Office of PCT Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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JUN 24 2009

OFFICE OF PETITIONS

In re Application of :
Francesco :
Application No. 11/545,658 : ON PETITION
Filed: October 11, 2006 :
Attorney Docket No. 100506-00030 :
For: COMPOSITION FOR STABILIZING POLYOLEFIN POLYMERS

This is a decision on the petition under 37 CFR 1.137(b), filed May 12, 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)." Petitioner is advised that this is not a final agency decision.

This application became abandoned for failure to timely reply to the final Office action, mailed September 17, 2008, which set an extendable three month period for reply. No proper extensions of time being obtained and no reply being filed, the application became abandoned on December 18, 2008. A Notice of Abandonment was mailed on April 6, 2009.

A grantable petition pursuant to 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. The Director may require additional information where there is a question whether the delay was unintentional; and

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

The instant petition does not satisfy requirement (1) above.

Petitioner is reminded that after a final Office action, there are only five possible replies: (1) a Notice of Appeal, (2) the filing of a continuing application, (3) a 37 CFR 1.129(a) submission, if appropriate, (4) an amendment after final that makes the case ready for issuance or (5) an RCE. Petitioner has not specified a proper reply.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555.00 extension of time fee submitted with the petition on May 12, 2009 was filed subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card.

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 decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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SUITE 400
WASHINGTON DC 20036

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OFFICE OF PETITIONS

In re Application of :
Francesco :
Application No. 11/545,658 : ON PETITION
Filed: October 11, 2006 :
Attorney Docket No. 100506-00030 :
For: COMPOSITION FOR STABILIZING POLYOLEFIN POLYMERS

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

The petition is **granted**.

This application became abandoned for failure to timely reply to the final Office action, mailed September 17, 2008, which set an extendable three month period for reply. No proper extensions of time being obtained and no reply being filed, the application became abandoned on December 18, 2008. A Notice of Abandonment was mailed on April 6, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee of $1,510.00; and (3) a proper statement of unintentional delay.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No. 12/405,679, filed March 17, 2009.

After the mailing of this decision, the application will be returned to Files Repository.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Donald E. Scruggs
4464 Walnut Avenue
Chino, CA 91710

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OFFICE OF PETITIONS

In re Application of	:	
SCRUGGS	:	
Application No. 11/545,667	:	DECISION ON PETITION
Filed: October 10, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

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

The petition is **GRANTED**.

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

The evidence submitted with the instant petition is a copy of Mr. Scruggs Birth Certificate evidencing 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 3611 for action on the merits commensurate with this decision.

P Volpe

Patricia Volpe
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

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

In re Application of :
Jidai, et al :
Application No. 11/545,707 : DECISION ON APPLICATION
Filed: October 10, 2006 : FOR
Atty Docket No. 12062-126 : PATENT TERM ADJUSTMENT

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT PURSUANT TO 37 C.F.R. § 1.705(b)," filed June 8, 2009. Applicants request that the initial Determination of Patent Term Adjustment under 35 U.S.C. 154(b) be corrected from seventeen (17) days to thirty-five (35) days.

The application for patent term adjustment is **GRANTED TO THE EXTENT INDICATED HEREIN**.

The Office has updated the PALM and PAIR screens to reflect that the patent term adjustment determination at the time of the mailing of the notice of allowance is **thirty-five (35) days.** A copy of the updated PAIR screen, showing the corrected determination, is enclosed.

On March 9, 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 17 days. Applicants timely filed the instant application for patent term adjustment.[1]

Applicants dispute the reduction of 14 days for applicant delay in responding to the non-final Office action mailed July 16, 2008. Applicants explain that applicants filed the reply on October 20, 2008, but the USPTO records indicate that the reply was not filed until October 30, 2008. Applicants conclude that the reply to the non-final Office action that was filed October

[1] PALM finance records indicate the issue fee was paid on June 8, 2009.

20, 2008, does not warrant a reduction of the patent term adjustment pursuant to 37 CFR 1.704(b) of 14 days, but only 4 days because the reply was filed three months and 4 days after the July 16, 2008, mailing of the non-final Office action. Applicants further argue that the patent term adjustment pursuant to 37 CFR 1.702(a)(2) and 37 CFR 1.703(a)(2) should be calculated from the date the response to the non-final Office action was actually filed, October 20, 2008, not October 30, 2008. In so doing, applicants contend that the patent term adjustment for Office delay should be increased by 8 days pursuant to 37 CFR 1.702(a)(2) and 37 CFR 1.703(a)(2) for the Office's failure to respond to the reply under 35 U.S.C. 132 within four months of the date the reply was filed. In conclusion, applicants assert that the patent term adjustment at the time of the mailing of the Notice of Allowance should be 35 days (39 (16 + 6 + 17) days for Office delay - 4 days for applicant delay).

Applicants' argument is well taken and is supported by a review of the file record. The record supports the conclusion that a response to the non-final Office action mailed July 16, 2008, was filed on October 20, 2008. Thus, the period of reduction to the patent term adjustment pursuant to 37 CFR 1.704(b) is 4 days, beginning on the day after the date that is three months after the date of mailing of the Office action, October 17, 2008, and ending on the date the reply is filed, October 20, 2008. Accordingly, the period of reduction of 14 days is being removed and a period of 4 days is being entered.

It is noted that the Notice of Allowance in response to the reply received October 20, 2008, was not mailed until March 9, 2009. 37 CFR 1.703(a)(2) provides that:

> The period of adjustment under § 1.702(a) is the sum of the following periods:
>
> The number of days, if any, in the period beginning on the day after the date that is four months after the date a reply under § 1.111 was filed and ending on the date of mailing if either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, which ever occurs first[.]

Accordingly, the period of Office delay pursuant to 37 CFR 1.703(a)(2) began February 21, 2009, and ended on March 9, 2009, with the mailing of the Notice of Allowance. Thus, the period of reduction of 9 days is being removed and a period of

reduction of 17 days will be entered for Office delay pursuant to 37 CFR 1.703(a)(2).

The $200.00 fee as set forth in 37 CFR 1.18(e) was received June 8, 2009. No additional fees are required.

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

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

Telephone inquiries specific to this matter should be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PAIR Screen

Day : Thursday
Date: 12/17/2009

PALM INTRANET

Time: 11:33:41

PTA Calculations for Application: 11/545707			
Application Filing Date:	10/10/2006	PTO Delay (PTO):	31
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	14
Post-Issue Petitions:	0	Total PTA (days):	35
PTO Delay Adjustment:	18		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
44	12/17/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		4	
43	12/17/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		9	
42	12/17/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	17		
41	12/17/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	14		
34	03/09/2009	MAIL NOTICE OF ALLOWANCE	9		27
33	03/04/2009	ISSUE REVISION COMPLETED			
32	03/04/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
31	03/04/2009	DOCUMENT VERIFICATION			
30	03/02/2009	NOTICE OF ALLOWABILITY			
28	12/19/2008	DATE FORWARDED TO EXAMINER			
27	10/30/2008	RESPONSE AFTER NON-FINAL ACTION		14	25
26	10/30/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
25	07/16/2008	MAIL NON-FINAL REJECTION	6		19
24	06/23/2008	NON-FINAL REJECTION			
20	04/10/2008	DATE FORWARDED TO EXAMINER			
19	03/10/2008	RESPONSE AFTER NON-FINAL ACTION			
18	12/26/2007	MAIL NON-FINAL REJECTION	16		-1
17	12/20/2007	NON-FINAL REJECTION			
16	10/10/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
15	12/12/2007	CASE DOCKETED TO EXAMINER IN GAU			
14	04/19/2007	PG-PUB ISSUE NOTIFICATION			
13	04/05/2007	CASE DOCKETED TO EXAMINER IN GAU			
12	03/19/2007	TRANSFER INQUIRY TO GAU			
		IFW TSS PROCESSING BY TECH CENTER			

11	02/01/2007	COMPLETE			
10	10/10/2006	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
9.7	10/10/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	10/10/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	01/09/2007	APPLICATION DISPATCHED FROM OIPE			
7	01/09/2007	APPLICATION IS NOW COMPLETE			
6	12/26/2006	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
5	12/26/2006	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
3	10/18/2006	CLEARED BY OIPE CSR			
2	10/17/2006	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	10/10/2006	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.
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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

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OCT 0 1 2008

OFFICE OF PETITIONS

In re Application of :
Richard G. Johnson :
Application No. 11/545,731 : DECISION ON PETITION
Filed: October 10, 2006 : TO WITHDRAW
Attorney Docket No. 4428-062994 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 26, 2008.

The request is **APPROVED**.

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

The request was signed by Kirk M. Miles on behalf of all attorneys of record who are associated with customer No. 28289.

All attorneys/agents associated with the Customer Number 28289 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: RICHARD G. JOHNSON
5567 HAMPTON STREET
PITTSBURGH, PA 15206

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/545,731	10/10/2006	Richard G. Johnson	4428-062994

CONFIRMATION NO. 9237

POWER OF ATTORNEY NOTICE

28289
THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

Date Mailed: 09/30/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/26/2008.

- 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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BANNER & WITCOFF, LTD.
ATTORNEYS FOR CLIENT NO. 000449, 001701
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

Mail Date: 04/21/2010

Applicant	: Takayuki Matsuyama	: DECISION ON REQUEST FOR
Patent Number	: 7602829	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/545,756	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **296** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Krieg Devault LLP
One Indiana Square
Suite 2800
Indianapolis, IN 46204-2079

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AUG 15 2008

In re Application of	:	
Jeffrey K. Brown, et al.	:	
Application No. 11/545,802	:	DECISION ON PETITION
Filed: October 10, 2006	:	TO WITHDRAW
Attorney Docket No. NACN-3	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 14, 2008.

The request is **APPROVED**.

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

The request was signed by Alastair J. Warr on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is no outstanding Office action at this time.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Jeffrey K. Brown**
Nacon Technologies, Inc.
4529 Acadia Cove
Niceville, FL 32578

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/545,802	10/10/2006	Jeffrey K. Brown	NACN-3

CONFIRMATION NO. 9408

52450
KRIEG DEVAULT LLP
ONE INDIANA SQUARE
SUITE 2800
INDIANAPOLIS, IN 46204-2079

POWER OF ATTORNEY NOTICE

OC00000031589191

Date Mailed: 08/14/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/14/2008.

- 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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3133 HIGHLAND DRIVE
SUITE 200
HUDSONVILLE, MI 49426

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MAR 21 2007

OFFICE OF PETITIONS

In re Application of Raley et al. :
Application No. 11/545,809 : Decision on Petition
Filing Date: October 10, 2006 :
Attorney Docket No. DRO-051200 :

This is a decision in response to the petition filed December 11, 2006, requesting the application be accorded a filing date of October 10, 2006.

The petition is **granted**.

The application was filed October 10, 2006.

The Office of Initial Patent Examination mailed a "Notice of Incomplete Application" on November 2, 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.

The first sentence of the specification filed October 10, 2006, incorporates by reference the contents of provisional application no. 60/833,707. Petitioner has supplied drawings identical to the drawings filed in provisional application no. 60/833,707.

The Office allows an applicant to rely upon an incorporation by reference of a parent application when a portion of the child application has been inadvertently omitted.

Based on the incorporation by reference, it appears drawings were present in the Office on October 10, 2006, albeit in the file of another application, i.e., application No. 60/833,707. Therefore, on petition, the application may be accorded the requested filing date of October 10, 2006.

The copy of the drawings submitted with the petition will be used for examination purposes.

The Office of Initial Patent Examination will be informed of the instant decision will process the application with a filing date of October 10, 2006, using the papers filed on October 10, 2006, and the drawings filed December 11, 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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DARDI & HERBERT, PLLC
220 S. 6TH ST.
SUITE 2000, U.S. BANK PLAZA
MINNEAPOLIS, MN 55402

Mail Date: 04/21/2010

Applicant	: Jeffrey A. Hubbell	: DECISION ON REQUEST FOR
Patent Number	: 7592009	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/545,819	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **142** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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RODMAN RODMAN
7 SOUTH BROADWAY
WHITE PLAINS NY 10601

In re Application of	:	
STONE, et al.	:	
Application No. 11/545,834	:	DECISION ON PETITION
Filed: October 11, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. RR-585 DIV	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 4, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes the birth certificate of inventor Norman Stone 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 3635 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/545,835	10/11/2006	Dong-Kyoon Han	5000-1-930	2172

7590 06/10/2009

CHA & REITER, LLC
210 ROUTE 4 EAST STE 103
PARAMUS, NJ 07652

EXAMINER	
KOONTZ, TAMMY J	

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
06/10/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Repln. Ref: 06/12/2009 BPOWELL 0014455600
DA#:502470 Name/Number:11545835
FC: 9204 $500.00 CR

Adjustment date: 06/12/2009 BPOWELL
10/13/2006 DEMMAH01 00000027 11545835
-500.00 OP
02 FC:1111

Keeln. Ref: 06/12/2009 BPDWELL 0014455600
DAN:502470 Name/Number:11545835
FC: 9204 $500.00 CR

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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
11/545,866	10/10/2006	1764	1000	12109.0087US01		10	1

CONFIRMATION NO. 3756

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

CORRECTED FILING RECEIPT

OC000000022315820

Date Mailed: 02/05/2007

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

Applicant(s)

Byoung-Whan Soh, Gyeonggi-do, KOREA, REPUBLIC OF;
Young-Gyo Choi, Gyeonggi-do, KOREA, REPUBLIC OF;

Assignment For Published Patent Application

HYOSUNG CORPORATION, Seoul, KOREA, REPUBLIC OF

Power of Attorney: The patent practitioners associated with Customer Number **23552**.

Domestic Priority data as claimed by applicant

Foreign Applications

REPUBLIC OF KOREA 10-2006-0030397 04/04/2006

If Required, Foreign Filing License Granted: 11/03/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/545,866

Projected Publication Date: 10/04/2007

Non-Publication Request: No

Early Publication Request: No

Title

Preparation method of 1,5-dimethyltetralin using dealuminated zeolite beta catalyst

Preliminary Class

585

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/545,944	10/10/2006	Ken Krieger	16113-183001	3124

26222 7590 04/09/2010

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

EXAMINER	
CHEN, TSE W	

ART UNIT	PAPER NUMBER
2116	

NOTIFICATION DATE	DELIVERY MODE
04/09/2010	ELECTRONIC

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

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

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

PATDOCTC@fr.com

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

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

In re Application of: KRIEGER, et al.	)	
Application No. 11/545,944	)	*SUA SPONTE*
Attorney Docket No. 16113-183001	)	WITHDRAWAL OF HOLDING OF
Filed: October 6, 2009	)	ABANDONMENT
For: UPDATING A POWER SUPPLY MICROCONTROLLER	)	

A review of the application reveals that a Notice of Abandonment was mailed to the applicant on April 06, 2010. The notice incorrectly indicated that the instant application was being held abandoned for failure to respond to the Restriction requirement (mailed on September 2, 2009). A timely filed response to the requirement with a one-month extension of time (37 CFR § 1.136(a)) was filed on November 2, 2009 bearing a certificate of mailing by EFS-WEB filing on November 2, 2009. Accordingly, the response was timely filed.

In view of these facts, the abandonment of the application was clearly in error and is hereby **VACATED**.

The application is being forwarded to the Supervisory Legal Instruments Examiner with instructions to **WITHDRAW** the holding of abandonment, restoring the instant application to pending status and to **ENTER** the response filed on November 2, 2009. The application will then be forwarded to the Examiner of record to consider the response and for prompt action on the merits.

Inquiries to this decision may be directed to Quality Assurance Specialist Brian Johnson at (571) 272-3595.

Brian L. Johnson
Workgroup 2110 QAS
Technology Center 2100
Computer Architecture, Software, and Information Security

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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19194-2891

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OFFICE OF PETITIONS

In re Application of	:	
Laurence HAMID	:	
Application No. 11/545,998	:	DECISION ON PETITION
Filed: October 10, 2006	:	TO WITHDRAW
Attorney Docket No. IVPH-0773	:	FROM RECORD
	:	

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 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 Michael P. Dunnam on behalf of all attorneys/agents of record associated with Customer Number 23377.

All attorneys/agents of record associated with Customer Number 23377 have been withdrawn.

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

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

There are no 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: LAURENCE HAMID
561 BROOKRIDGE CRESCENT
OTTAWA, ONTARIO K4A IZ3
CANADA

PERKINS COIE
1201 THIRD AVENUE
SUITE 4800
SEATTLE, WA 98101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/545,998	10/10/2006	Laurence Hamid	IVPH-0773

CONFIRMATION NO. 3836

POWER OF ATTORNEY NOTICE

23377
WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

OC000000028691056

Date Mailed: 03/06/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/10/2007.

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

/dcgoodwyn/

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

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United States Patent and Trademark Office
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HANSRA PATENT SERVICES
4525 GLEN MEADOWS PLACE
BELLINGHAM WA 98226

COPY MAILED

MAY 24 2007

OFFICE OF PETITIONS

In re Application of
Jim McFadyen et al.
Application No. 11/546,001
Filed: October 10, 2006
Attorney Docket No. **3123-798**

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)

This decision is in response to the petition filed May 7, 2007 under 37 CFR 1.47(a),

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the 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 with an unsigned oath or declaration. Accordingly, on November 3, 2006, a "Notice To File Missing Parts of Application" was mailed, requiring a properly executed oath or declaration and surcharge for late filing.

In response, the instant petition and an oath signed by joint inventor Jim Fitzpatrick but not joint inventor McFayden was filed with a four month extension of time request. The petition argues that Mr. McFadyen could not be reached to sign the 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.

The present petition lacks items (1).

Petitioners have argued that they were informed that no last known address exists for Mr. McFadyen and that attempts to reach him by email and telephone at what was believed to be his place of business have been unsuccessful. However, no additional efforts have been employed to locate Mr. McFadyen. In view of the evidence presented, petitioners have not provided evidence that diligent efforts have been made to locate non-signing inventor McFadyen.[1]

[1] MPEP 409.03(d).

Petitioners must provide details, in an affidavit or declaration of facts by a person with first hand knowledge of the details, of the additional efforts to locate Mr. McFadyen, such as Internet, e-mail, or telephone directory searches, which have been undertaken to locate him, send or give a copy of the application papers to him, and request that he sign and return the declaration. If repeated attempts to contact the non-signing inventor by telephone, mail, and e-mail, are unsuccessful, petitioners will have established that he cannot be found despite diligent efforts.

At the very least petitioners should start with the address on file for him at Maxtor Corporation.

If Mr. McFadyen refuses in writing to sign the declaration, petitioners should provide a copy of that written refusal with any renewed petition. If a verbal refusal to sign is made to a person, details should be given in an affidavit or declaration of facts by a person having first hand knowledge of the facts of refusal.

Finally, if it is found that Mr. McFadyen is residing at a different address than that listed in the initial petition, petitioners should provide a new statement of the last known address in a renewed petition as well as a corrected oath or declaration with a proper last known address including the country of citizenship if appropriate.

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
Office of Petitions

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

cc:

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

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BELLINGHAM WA 98226

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JUL 23 2007

OFFICE OF PETITIONS

In re Application of
Jim McFadyen et al.
Application No. 11/546,001
Filed: October 10, 2006
Attorney Docket No. 3123-798

:DECISION NOTING JOINDER OF
:INVENTOR AND PETITION UNDER
:37 CFR 1.47(a)) DISMISSED AS
:INVOLVING MOOT ISSUES

A petition under 37 CFR 1.47(a) was filed May 7, 2007 and was dismissed in a decision mailed May 24, 2007.

Papers filed on June 25, 2007, in reply to the "Decision Refusing Status Under 37 CFR 1.47(a)" mailed May 24, 2007, include a declaration signed by previously non-signing inventor Jim McFadyen, in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is unnecessary.

The renewed petition filed June 25, 2007 is **DISMISSED** as involving moot issues.

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).

This matter will be referred to the Office of Initial Patent Examination for further pre-examination processing.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

JAN 27 2010

OFFICE OF PETITIONS

In re Application of :
ADDLEMAN, JEFFREY L. :
Application No. 11/546,015 : ON APPLICATION FOR
Filed: 10/11/2006 : PATENT TERM ADJUSTMENT
Atty. Docket No. 061300-0858 :

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705 filed November 25, 2009. Applicants submit that the correct patent term adjustment to be indicated on the patent is six hundred fourteen (614) days, not four hundred sixty-five (465) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants seek this correction solely on the basis that the Office will take in excess of three years to issue this patent.

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

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR

1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

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

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

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

---

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

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

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

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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JUN 23 2008

THE WEBB LAW FIRM, PC
436 SEVENTH AVENUE/KOOPERS BLD.
PITTSBURG, PA 15219

In re Application of :
CHANCELLOR, et al. :
Application No. 11/546,025 : DECISION ON PETITION
Filed: October 11, 2006 : TO WITHDRAW
Attorney Docket No. **4999-062965** : FROM RECORD
:

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 25, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **THE WEBB LAW FIRM, PC** has been revoked by the assignee of the patent application on March 20, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **BARBARA E. JOHNSON, ESQ.**
555 GRANT STREET, SUITE 323
PITTSBURG, PA 15219

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
11/546,036	10/11/2006	2611	1330	A0312.70585US00	14	24	2

CONFIRMATION NO. 2344

UPDATED FILING RECEIPT

OC000000022093449

23628
WOLF GREENFIELD & SACKS, PC
FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

Date Mailed: 01/23/2007

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)

Marko Kocic, Somerville, MA;
Aiguo Yan, North Andover, MA;
Lidwine Martinot, Cottenham, UNITED KINGDOM;
Thomas J. Barber JR., Bolton, MA;
John Zijun Shen, Winchester, MA;

Assignment For Published Patent Application

Analog Devices, Inc., Norwood, MA

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/848,157 09/29/2006

Foreign Applications

If Required, Foreign Filing License Granted: 10/27/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/546,036

Projected Publication Date: 04/03/2008

Non-Publication Request: No

Early Publication Request: No

Title

Pre-scaling of initial channel estimates in joint detection

Preliminary Class

375

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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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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Paper No.

Martin J. Moran
Eaton Electrical, Inc.
Technology & Quality Center
170 Industry Drive, RIDC Park West
Pittsburgh PA 15275-1032

COPY MAILED

MAR 20 2007

OFFICE OF PETITIONS

In re Application of :
Todd Lathrop : DECISION ON PETITION
Application No. 11/546,058 :
Filed: October 11, 2006 :
Atty Docket No. 06-EDP-496 :

This is a decision on the PETITION TO ESTABLISH PRIOR RECEIPT IN THE USPTO OF COMPLETE NONPROVISIONAL APPLICATION CONSIDERED AS INCOMPLETE PURSUANT TO 37 CFR 1.53(e)(2) PETITION FOR GRANT OF GRANT OF OCTOBER 11, 2006 FILING DATE, filed November 9, 2006.

Application papers in the above-identified application were deposited on October 11, 2006. However, on November 7, 2006, the Initial Patent Examination Division mailed applicants a NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION. Applicants were thereby notified that the application papers had not been accorded a filing date because the application was deposited without drawings.

Applicants assert that the drawings indicated as omitted were in fact deposited with the USPTO as an element of the original application papers filed on October 11, 2006. In support thereof, applicants submit a copy of their return postcard. Applicants also submit a copy of the drawings that were submitted with the application as filed on October 11, 2006.

A postcard receipt, which itemizes and properly identifies the items, which are being filed, serves as prima facie evidence of

receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioners' postcard receipt reveals that: 1) it was date stamped as received in the USPTO on October 11, 2006, and the items filed therewith were assigned Application No. 11/546058; 2) it specifically identifies the items being filed, including "Sheets of Drawings 4" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, petitioners have shown that the items denoted, including 4 sheets of drawings, were filed on October 11, 2006.

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

Accordingly, the petition is GRANTED.

Given the basis for granting the petition, the petition fee is being refunded to Deposit Account No. 05-0275, as authorized.

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

- correction of the filing date to October 11, 2006 using the application papers received in the Office and presently accorded that date; and the 4 sheets of drawings re-supplied on petition filed November 9, 2006;

- for indication in Office records, as appropriate, that 4 sheets of drawings were present in the application on filing.

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/546,080	10/11/2006	Young-Joo Song	678-2814 (P14889)	2839

7590 09/02/2009

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

EXAMINER
LOUIS JACQUES, JACQUES H

ART UNIT	PAPER NUMBER
2112	

MAIL DATE	DELIVERY MODE
09/02/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

[illegible] Ref: 09/02/2009 BPOWELL [illegible]
[illegible] Name/Number:11546080
FL: 3204 $1400.00 CR

[illegible] Date: 09/02/2009 BPOWELL
[illegible] 11546080
[illegible] -500.00 OP
[illegible] -200.00 OP
[illegible] -700.00 OP

FORM PET651G (Rev. 08/07)

Reqln, Ref: 09/02/2009 BPOWELL 0009502100
DR0:504053 Name/Number:11546080
FC: 9204 $1400.00 CR

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BARNES & THORNBURG LLP
11 SOUTH MERIDIAN
INDIANAPOLIS, IN 46204

MAILED

OCT 07 2009

OFFICE OF PETITIONS

In re Application of :
Christopher P. LEAMON, et *al.* :
Application No. 11/546,099 : DECISION GRANTING PETITION
Filed: October 11, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **20150-200939** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 1, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 31, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 1618 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

---

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

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E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805

MAILED

JUN 30 2010

OFFICE OF PETITIONS

In re Application of :
Lightcap et al. :
Application No. 11/546,149 : DECISION ON PETITION
Filed: October 11, 2006 :
Attorney Docket No. CH2904USDIV :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 27, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 5, 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 timely obtained. Accordingly, the application became abandoned on January 6, 2010. A Notice of Abandonment was mailed June 24, 2010.

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

Further, 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

Additionally, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,110.00, three- month extension of time fee submitted with the petition on May 27, 2010 was subsequent to the maximum

extendable period for reply, this fee is unnecessary and will be refunded to petitioner's deposit account in due course.

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

This application is being referred to Technology Center AU 1627 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON, P.A.
200 SOUTH SIXTH STREET, SUITE 4000
MINNEAPOLIS MN 55402

COPY MAILED

JUL 0 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Klaus Hartig	:	
Application No. 11/546,152	:	DECISION ON PETITION
Filed: October 11, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 44046.203.435.7	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 5, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the attorney of record declaring that he/she is in possession of evidence showing that the inventor 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 1795 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DERGOSITS & NOAH LLP
Three Embarcadero Center
Suite 410
SAN FRANCISCO CA 94111

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SEP 25 2009

OFFICE OF PETITIONS

In re Patent No. 7,596,598 :
Issue Date: September 29, 2009 :
Application No. 11/546,159 : NOTICE
Filed: October 10, 2006 :
Attorney Docket No. 804.07 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3222.

K. A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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October 13, 2009

Todd A. Noah
Three Embarcadero Center
Suite 410
San Francisco, CA 94111

Patent No.: 7,596,598 B2
Application No.: 11/546,159
Inventor (s): Michael Birch
Issued: September 29, 2009
Title: **MULTI-MEDIA TOOL FOR CREATING AND TRANSMITTING ARTISTIC WORKS**

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/
Virginia Tolbert
For Mary Diggs, Supervisor
Decisions & Certificate of Correction Branch
(571) 272-0460
vt

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DERGOSITS & NOAH LLP
THREE EMBARCADERO CENTER
SUITE 410
SAN FRANCISCO CA 94111

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JAN 20 2010

In re Patent No. 7,596,598 :
Issue Date: September 29, 2009 :
Application No. 11/546,159 : ON PETITION
Filed: October 10, 2006 :
Attorney Docket No. 804.07 :

This is a decision on the petition November 10, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to Diane C. Goodwyn at (571) 272-6735. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

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

for Thurman K. Page
Petitions Examiner
Office of Petitions

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

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DONALD E. BURG
15840 S.W. 84 AVENUE
MIAMI, FL 33157

COPY MAILED

JAN 29 2007

OFFICE OF PETITIONS

In re Application of :
Donald E. Burg :
Application No. 11/546,169 : DECISION ON PETITION
Filed: October 11, 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 11, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a 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 undersigned at 571-272-1642.

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

The application is being forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Patent No. : 7,680,153 B2
Ser. No. : 11/546,182
Inventor(s) : Hui Ma
Issued : March 16, 2010

Re: Request for Certificate of Correction

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

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

By fax: (703) 872-9306
ATTN: Office of Petitions

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

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1583 or 1580

Paul Hashim
1700 Alma Drive
Suite 500
Plano, TX 75075

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

5-26-2010

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P.O. Box 1450
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Patent No. : 7,680,153 B2
Ser. No. : 11/546,182
Inventor(s) : Hui Ma
Issued : March 16, 2010

Re: Request for Certificate of Correction

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

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

By fax: (703) 872-9306
ATTN: Office of Petitions

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

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1583 or 1580

Paul Hashim
1700 Alma Drive, Suite 500
Plano, TX 75075

ej

OPAP
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11/546,826-16-10 COFC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: Huawei Technologies Co.,Ltd. §
§ Group Art Unit: 2461
Patent No.: 7,680,153 §
§ Examiner: DUFFY, JAMES P
Issued: 03/16/2010 §
§ Confirmation No.: 2786

For: Method and Device for Stream Synchronization of Real-Time Multimedia Transport Over Packet Network

Mail Stop: Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST TO CORRECT THE ASSIGNEE UNDER 37 CFR 3.81(b)

Dear Commissioner:

Patentee hereby requests to correct the assignee to correct the mistake as set out in the attached draft certificate.

The mistake was inadvertently made on the part of the Assignee by failing to include the Assignee name in the Issue Fee Payment Form (PTOL-85B). Because Patentee cannot retrieve a Notice of Recordation of Assignment, Patentee encloses a copy of the Patent Assignment received from the USPTO website reflecting the assignment is recorded in 018410/0096 on October 11, 2006.

Patentee has already submitted a fee ($100) for consideration of a Request for Certificate of Correction on May 17, 2010. However, should you require further fees, please charge any required fees to Deposit Account 50-4983 of Huawei Technologies Co., Ltd.

Patentee respectfully request that the file be forwarded to Certificates of Correction Branch, for Issuance of a Certificate of Correction, if the Request is granted.

Respectfully submitted:

6/14/2010
Date

Paul Hashim
Reg. No.31618

Futurewei Technologies, Inc.
1700 Alma Drive, Suite 500
Plano, TX 75075
Telephone: (972) 543-5840
Facsimilie: (469) 229-5303

OPAP IAP5 JUN 15 2010 PATENT & TRADEMARK OFFICE

United States Patent and Trademark Office

AHD logo

Assignments on the Web > Patent Query

Patent Assignment Abstract of Title

NOTE:Results display only for issued patents and published applications. For pending or abandoned applications please consult USPTO staff.

Total Assignments: 1

Patent #: 7680153 **Issue Dt:** 03/16/2010 **Application #:** 11546182 **Filing Dt:** 10/11/2006

Publication #: 20070081562 **Pub Dt:** 04/12/2007

Inventor: Hui Ma

Title: METHOD AND DEVICE FOR STREAM SYNCHRONIZATION OF REAL-TIME MULTIMEDIA TRANSPORT OVER PACKET NETWORK

Assignment: 1

Reel/Frame: 018410/0096 **Recorded:** 10/11/2006 **Pages:** 3

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

Assignor: MA, HUI **Exec Dt:** 10/10/2006

Assignee: HUAWEI TECHNOLOGIES CO., LTD.
518129, HUAWEI ADMINISTRATION BUILDING, BANTIAN, LONGGANG DISTRICT, SHENZHEN GUANGDONG PROVINCE, 518129, CHINA

Correspondent: RICHARD J. STREIT
C/O LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
CHICAGO, ILLINOIS 60604

Search Results as of: 06/03/2010 02:16 AM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.
Web interface last modified: October 18, 2008 v.2.0.2

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RECEIVED
JUN 02 2010
BY: TLR

Patent No. : 7,680,153 B2
Ser. No. : 11/546,182
Inventor(s) : Hui Ma
Issued : March 16, 2010

Re: Request for Certificate of Correction

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

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(703) 872-9306 ATTN: Office of Petitions

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

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1583 or 1580

Paul Hashim
1700 Alma Drive, Suite 500
Plano, TX 75075

ej

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Alexandria, VA 22313-1450
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THREE LITTLE FALLS CENTRE/1052
2801 CENTERVILLE ROAD
WILMINGTON DE 19808

MAILED

APR 27 2010

OFFICE OF PETITIONS

In re Application of :
Heaney, et al. :
Application No. 11/546,185 : ON PETITION
Filed: October 11, 2006 :
Attorney Docket No. **LP5930USNA**

This is a decision on the petition under 37 CFR 1.137(b) filed February 24, 2010.

The petition is GRANTED.

This application became abandoned for failure to respond in a timely manner to the Notice of Allowance and Issue Due mailed October 20, 2009. The notice set a statutory period for reply of three-months from its mailing date. A response was not received within the allowable period and the application became abandoned on January 21, 2010. A Notice of Abandonment was mailed on February 5, 2010.

The issue fee and publication fee were received on February 24, 2010.

The application file is being directed to the Office of Data Management for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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KING & SPALDING LLP
1180 PEACHTREE STREET
ATLANTA, GA 30309-3521

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MAY 04 2007

OFFICE OF PETITIONS

In re Application of	:	
Christopher P. Rusconi	:	
Application No. 11/546190	:	
Filing or 371(c) Date: 10/11/2006	:	
Attorney Docket Number:	:	DECISION
10815.105003 CIP	:	ON PETITION

This is a decision on the "Petition Under 37 CFR § 1.57(a) to add Inadvertently Omitted Material to the Above-Identified Application and Accord a Filing Date", filed December 1, 2006, requesting the above-identified application be accorded a filing date of October 11, 2006, including drawings, based upon a priority claim for the benefit of prior-filed applications under 37 CFR 1.78.

The petition is dismissed.

Background

The application was filed on October 11, 2006. On November 16, 2006, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application (hereinafter "Notice"), informing Applicant, *inter alia*, that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the instant petition and request inclusion of the inadvertently omitted drawings based upon a priority claim to a prior-filed application in accordance with 37 CFR 1.57(a).

According a Filing date

A review of the file reveals that the specification contains composition claims. As stated in MPEP § 601.01(f), it is the practice of the PTO to treat an application that contains at least one process, method or composition claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

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

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

In applications filed without all of the drawing figure(s) referred to in the specification, the MPEP § 601.01(g) states that a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the Notice mailed November 16, 2006, was mailed in error and is hereby withdrawn.

Petition under 37 CFR 1.57(a)

The MPEP 601.01(f) further provides that

> As an alternative to a petition under 37 CFR 1.53(e), if the drawing(s) was inadvertently omitted from an application filed on or after September 21, 2004, and the application contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted drawing(s) is completely contained in the prior-filed application, the applicant may submit the omitted drawing(s) by way of an amendment in compliance with 37 CFR 1.57(a). The amendment must be by way of a petition under 37 CFR 1.57(a)(3) accompanied by the petition fee set forth in 37 CFR 1.17(f). See MPEP § 201.17. (Emphasis supplied).

Applicant is advised that a petition is not necessary in this instance to add the omitted figures.

37 CFR 1.57(a), incorporation by reference, provides a method whereby an applicant may amend an application to include an inadvertently omitted portion of the specification or drawing(s). However, where a filing date has been accorded an application, a petition is not necessary to add the omitted portion of the specification or drawing(s). "If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this

paragraph accompanied by the fee set forth in § 1.17(f)." 37 CFR 1.57(a)(3). (Emphasis supplied). *See, Also*, MPEP 201.17(F).

The Manual of Patent Examining Procedure ("MPEP") also provides that

> ...37 CFR 1.57(a) was added to provide a safeguard for applicants when a page(s) of the specification, or a portion thereof, or a sheet(s) of the drawing(s), or a portion thereof, is inadvertently omitted from an application, such as through a clerical error. 37 CFR 1.57(a) applies to applications filed on or after September 21, 2004. 37 CFR 1.57(a) permits inadvertently omitted material to be added to the application by way of a later filed amendment if the inadvertently omitted portion of the specification or drawing(s) is completely contained in a prior-filed application (for which priority/benefit is claimed) even though there is no explicit incorporation by reference of the prior-filed application. *See* MPEP § 201.17 for discussion regarding 37 CFR 1.57(a). *See* MPEP § 601.01(p). (Emphasis supplied).

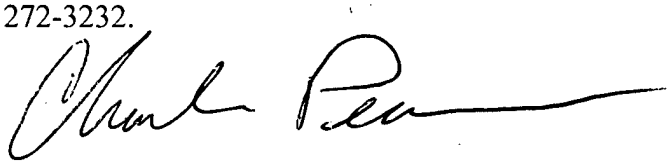
MPEP 201.06(c)(IV)(B).

Applicant may add the omitted figures by way of amendment under 37 CFR 1.57, and without a petition. The issue of new matter is one appropriately addressed by the Examiner.

In view of the fact that the petition was necessitated by an error on the part of this Office, the petition fee has been refunded.

The application will be returned to the Office of Initial Patent Examination for withdrawal of the Notice of Incomplete Provisional Application mailed October 11, 2006; for mailing of a Notice of Omitted Item(s), and for further processing as a nonprovisional application with a filing date of October 11, 2006, using the application papers filed on that date. Receipt of the oath/declaration and sequence listing on January 22, 2007 is also acknowledged.

Telephone inquiries concerning this matter should be directed Attorney Derek Woods at (571) 272-3232.



Charles Pearson
Director
Office of Petitions

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EDWARD P. DUTKIEWICZ, ESQ.
EDWARD P. DUTKIEWICZ, P.A.
640 DOUGLAS AVENUE
DUNEDIN FL 34698-7001

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NOV 0 9 2006
OFFICE OF PETITIONS

In re Application of :
Morris B. Davis :
Application No. 11/546,193 : DECISION ON PETITION
Filed: October 11, 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 11, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of the applicant's drivers license proving that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3781 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HAYNES AND BOONE LLP
IP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS TX 75219

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MAY 26 2009

OFFICE OF PETITIONS

In re Application of :
Hermansen, et al. :
Application No. 11/546,209 : ON PETITION
Filed: October 11, 2006 :
Attorney Docket No. 70614.00039 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed May 4, 2009.

The petition is **GRANTED**.

This application was held abandoned for failure to timely file a response to the non-final Office action mailed June 17, 2008. This Office action set an extendable period for reply of three (3) months. No reply having been received, the application became abandoned on September 18, 2008. A Notice of Abandonment was mailed on January 13, 2009.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of an Amendment.

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

not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application is being forwarded to Group Art Unit 3617 for consideration of the Amendment filed May 4, 2009.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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JAMES RAY & ASSOCIATES
2640 Pitcairn Road
Monroeville PA 15146

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NOV 19 2008

OFFICE OF PETITIONS

In re Application of :
Oyaski :
Application No. 11/546,214 : DECISION ON PETITION
Filed: October 11, 2006 :
Attorney Docket No. MFO 06221 :

This is a decision on the petition under the unavoidable standard of 37 CFR 1.137(a), filed September 29, 2008 (certificate of mailing date September 24, 2008), to revive the above-identified application.

The petition is **DISMISSED.**

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

The above-identified application became abandoned for failure to properly reply to the final Office action, mailed January 9, 2008. Petitioner filed a petition for a one month extension of time and an amendment after final on May 9, 2008. Unfortunately, the amendment after final was not received by the examiner of record. On July 15, 2008, the examiner of record purportedly conducted a telephone conference with petitioner's representative. During the course of the conversation, the examiner of record requested that petitioner's representative resend the amendment, along with the certificate of mailing. This was accomplished on July 15, 2008 . The amendment after final failed to place the above-identified application in *prima facie* condition for allowance, as stated in the September 9, 2008 Advisory Action. The application became abandoned on May 10, 2008.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition lacks item (3).

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

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

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

In the instant case, petitioner has failed to provide adequate evidence that the delay was unavoidable.

Petitioner is reminded that after a final action, there are only five possible replies: (1) a Notice of Appeal, (2) the filing of a continuing application, (3) a 37 CFR 1.129(a) submission, if appropriate, (4) an amendment after final that makes the case ready for issuance or (4) a RCE. To be a proper reply, an amendment after final must overcome all of the examiner's rejections, and thus place the case in *prima facie* condition for allowance.

Petitioner's amendment after final, filed May 9, 2008, failed to overcome all of the examiner's rejections. The rules of practice are clear that prosecution of an application to save it from abandonment must include such complete and proper action as the condition of the case may require. The admission of an amendment not responsive to the last Office action, or refusal to admit the same, shall not operate to save the application from abandonment. "[T]he admission of, or refusal to admit, any amendment after final rejection, and any proceedings relative thereto, shall not operate to relieve the application or patent under reexamination from its condition as subject to appeal or to save the application from abandonment under § 1.135." See 37 CFR 1.116(a).

Petitioner's failure to appreciate that the filing of a proposed amendment under 37 CFR 1.116 on May 9, 2008 did not relieve petitioner of the burden of timely filing a notice of appeal or other proper response to avoid abandonment of the above-identified application is unfortunate, but it is

not unavoidable delay. The abandonment of an application subject to a final Office action is not "unavoidable" within the meaning of 35 U.S.C. 133 and 37 CFR 1.137(a) in the situation in which the applicant simply permits the maximum extendable statutory period for reply to a final Office action to expire while awaiting a notice of allowance or other action. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. At 53162, 1203 Off. Gaz. Pat. Office at 89 (response to comment 66).

Petitioner is reminded that an Advisory Action does not start a new period for response.. The application became abandoned because petitioner did not submit a proper reply to the final Office action.

The petition under 37 CFR 1.137(a) is dismissed.

The undersigned suggests that petitioner file a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b).

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 petitioners intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

With respect to fees, pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $525.00 extension of time submitted with the petition on September 29, 2008 was filed subsequent to the expiration of the maximum period obtainable for reply, this fee is unnecessary and will be refunded to petitioner's credit card.

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) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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JAMES RAY & ASSOCIATES
2640 Pitcairn Road
Monroeville PA 15146

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
Oyaski :
Application No. 11/546,214 : DECISION ON PETITION
Filed: October 11, 2006 :
Attorney Docket No. MFO 06221 :

This is a decision on the petition under the unintentional standard of 37 CFR 1.137(b), filed February 17, 2009 (certificate of mailing date February 11, 2009), to revive the above-identified application.

The above-identified application became abandoned for failure to properly reply to the final Office action, mailed January 9, 2008. Petitioner filed a petition for a one month extension of time and an amendment after final on May 9, 2008. Unfortunately, the amendment after final was not received by the examiner of record. On July 15, 2008, the examiner of record purportedly conducted a telephone conference with petitioner's representative. During the course of the conversation, the examiner of record requested that petitioner's representative resend the amendment, along with the certificate of mailing. This was accomplished on July 15, 2008 . The amendment after final failed to place the above-identified application in *prima facie* condition for allowance, as stated in the September 9, 2008 Advisory Action. The application became abandoned on May 10, 2008.

Applicant has submitted a RCE and required fee and amendment in reply to the January 9, 2008 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the January 9, 2008 final Office action, and the $810.00 petition fee.

The petition is **GRANTED**.

With respect to fees, pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $525.00 extension of time submitted with the petition on February 17, 2009 (certificate of mailing date February 11, 2009) was filed subsequent to the expiration of the maximum period obtainable for reply, this fee is unnecessary and will be refunded to petitioner's credit card.

After the mailing of this decision the application will be forwarded to Technology Center AU 3761 for consideration of the RCE and amendment filed with the present petition.

Telephone inquiries concerning 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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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MHKKG, PC/Apple, Inc.
P.O. Box 398
Austin, TX 78767-0398

Mail Date: 04/20/2010

Applicant	: Po-Yung Chang	: DECISION ON REQUEST FOR
Patent Number	: 7647518	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/546,223	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MHKKG, PC/Apple, Inc.
P.O. Box 398
Austin, TX 78767-0398

Mail Date: 05/17/2010

Applicant : Po-Yung Chang
Patent Number : 7647518
Issue Date : 01/12/2010
Application No: 11/546,223
Filed : 10/10/2006

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

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

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

The patent term adjustment has been determined to be **167** 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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Alexandria, VA 22313-1450
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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

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OFFICE OF PETITIONS

In re Application of :
Kenneth M. Gainey, et al. :
Application No. 11/546,241 : DECISION ON PETITION
Filed: October 12, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. 27-014-CON : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 12, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes declaration statement signed by the applicant James C. Otto. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2618 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Jaquelin K. Spong
Apt. A1
2246 Mohegan Srive
Falls Church VA 22043

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MAR 2 6 2007

OFFICE OF PETITIONS

In re Application of	:	
Paranjpye et al.	:	
Application No. 11/546288	:	
Filing or 371(c) Date: 10/12/2006	:	
Attorney Docket Number:	:	DECISION
IMT-Au Etch	:	ON PETITION

This is a decision on the "Petition Under 37 CFR 1.53(e) and Response to Notice to File Corrected Application Papers", filed November 29, 2006, requesting the above-identified application be accorded a filing date of October 12, 2006, including Figure 10. The delay in treating this petition is regretted.

The petition is granted.

The application was filed on October 12, 2006. On October 27, 2006, the Office of Initial Patent Examination mailed a Notice to File Corrected Application Papers (hereinafter "Notice"), informing Applicant, *inter alia*, that the application had been accorded a filing date; however, Figure 10 described in the specification appeared to have been omitted from the application.

Applicant responds with the instant petition and avers that 10 pages of drawings, Figs. 1-10, were filed in the application on October 12, 2006. In support of this assertion, Applicant files a copy of his return-receipt postcard acknowledging receipt of 10 pages of drawings, Figs. 1-10, by this Office on September 28, 2006. Applicant also notes that the title "Figure 3" was inadvertently omitted from the third figure. Applicant files a replacement Fig. 3 with the petition.

Figure 10

"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.

Applicant has demonstrated receipt by this Office of Figure 10 on October 12, 2006.

Accordingly, the petition to accept Figure 10 is granted.

The petition fee has been refunded as authorized in the petition.

The copy of Fig. 10, filed with the instant petition, will be used for examination purposes.

Figure 3

The Office acknowledges receipt of replacement Fig. 3. The replacement Fig. 3 will be forwarded to the Office of Initial Patent Examination.

Conclusion

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 10 pages of drawings were present on September 28, 2006, using pages 1-9 present in the Office on September 28, 2006, and the copy of Figure 10 filed with the present petition on November 29, 2006, and for processing of replacement Fig. 3 filed with the present petition.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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August 5, 2009

Estelle J.Tsevdos
Hunton & Williams LLP
200 Park Avenue
New York, NY 10166

Patent No.: 7,420,057 B2
Application No.: 11/546,304
Inventor (s): Carlo Bombarda, et al.
Issued: September 2, 2008
Title: **STABLE POLYMORPH OF FLIBANSERIN**

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/
Virginia Tolbert
For Mary Diggs, Supervisor
Decisions & Certificate of Correction Branch
(703) 305-8309 or (703) **308-9390 ext 113**

vt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

Studebaker & Brackett PC
One Fountain Square
11911 Freedom Drive, Suite 750
Reston, VA 20190

Mail Date: 04/21/2010

Applicant	: Seiji Miyoshi	: DECISION ON REQUEST FOR
Patent Number	: 7608561	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/546,340	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAIL

MAR 13 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
LEE, SANG-HYUCK, et al.
Application No. 11/546,410
Filed: October 12, 2006
Attorney Docket No. 0630-2865PUS1

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed January 28, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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 is deficient as follows:

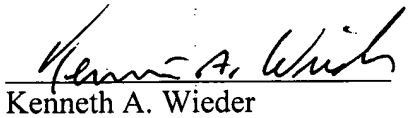
Petitioner has not complied with item 5 above in that although a translation of the KIPO Office action(s) have been submitted, the petition fails to include a copy of the actual Office action(s) from the KIPO application. The U.S. Patent and Trademark Office does not have the capability to download KIPO language documents from the Dossier Access System at this time.

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 by 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAIL

APR 16 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
LEE, SANG-HYUCK, et al.
Application No. 11/546,410
Filed: October 12, 2006
Attorney Docket No. 0630-2865PUS1

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

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed March 27, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

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

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

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ARRIS INTERNATIONAL, INC
3871 LAKEFIELD DRIVE
SUWANEE, GA 30024

COPY MAILED

MAR 1 1 2008

OFFICE OF PETITIONS

In re Application of :
Jason Pierce et al :
Application No. 11/546,450 : ON PETITION
Filed: October 11, 2006 :
Attorney Docket No. 8242 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 15, 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 April 11, 2007, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 12, 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 2836 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

Mail Date: 04/21/2010

Applicant	: Katsuaki Mori	: DECISION ON REQUEST FOR
Patent Number	: 7600624	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/546,502	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **430** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/546,507	10/10/2006	Stephan R. Yhann	07844-744001/P679	4508

21876 7590 07/12/2010
FISH & RICHARDSON P.C.
P.O. Box 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
CASCHERA, ANTONIO A

ART UNIT	PAPER NUMBER
2628	

NOTIFICATION DATE	DELIVERY MODE
07/12/2010	ELECTRONIC

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

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

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

PATDOCTC@fr.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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FISH & RICHARDSON P.C.
P.O. Box 1022.
MINNEAPOLIS, MN 55440-1022

MAIL

JUL 12 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Yhann, Stephan R. *et al.* :
Serial No.: 11/546,507 : DECISION ON PETITION
Filed: October 10, 2006 : *ACCEPTANCE OF COLOR DRAWINGS*
For: **AUTOMATIC TRAPPING OR DROP SHADOWS** :

This is a decision on the petition under 37 CFR §1.84(a)(2) filed October 10, 2006 requesting the acceptance of color drawings.

The petition requests that the color drawings identified in Figures 1A, 1B, 1C, 1D, 1E, 2A, 2D, 6A, 7B – 8C be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is **GRANTED**.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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P.O. Box 1450
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SQUIRE, SANDERS & DEMPSEY L.L.P.
TWO RENAISSANCE SQUIRE
SUITE 2700
40 NORTH CENTRAL AVENUE
PHOENIX AZ 85004-4498

RECEIVED

JAN 05 2009

OFFICE OF PETITIONS

In re Application of :

OPIE, John C. et al. :
Application No. 11/546,510 : DECISION ON PETITION
Filed: October 10, 2006 : TO WITHDRAW
Attorney Docket No. **32303.00028** : FROM RECORD
:

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 04, 2008.

The request is **APPROVED**.

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

The request was signed by Alex Starkovich 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 John C. Opie at the address indicated below.

There is an outstanding Office action mailed October 23, 2008 that requires a reply from the applicant.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **JOHN C. OPIE**
8310 N. VIA DE LAGO
SCOTTSDALE, ARIZONA 85258

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/546,522	10/10/2006	Stephen M. Lewis	P184 1110.1	2636

26158 7590 04/21/2010

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
ATTN: PATENT DOCKETING
P.O. BOX 7037
ATLANTA, GA 30357-0037

EXAMINER	
STULII, VERA	

ART UNIT	PAPER NUMBER
1781	

MAIL DATE	DELIVERY MODE
04/21/2010	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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WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
ATTN: PATENT DOCKETING
P.O. BOX 7037
ATLANTA GA 30357-0037

APR 21 2010

In re Application of	:	
Lewis	:	DECISION ON PETITION
Application No. 11/546,522	:	TO MAKE SPECIAL UNDER
Filed: 10/10/2006	:	THE GREEN TECHNOLOGY
Attorney Docket No. **P184 1110.1**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 4/12/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be

accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) 1.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 426/011.000) that is not one of the eligible US classifications listed in section VI of the notice. Therefore, this application is not eligible for the Pilot Program. The classification limitations are purposefully made to be narrow for the Pilot Program; however, these may be expanded based upon the success of the Pilot Program. Petitioner may file a preliminary amendment that would cause this application to be classified elsewhere. However, while petitioner may suggest a classification (see, e.g., MPEP 708.02(a)(VII)(C)), the application will be assigned to the most appropriate classification based upon current U.S. classification guidelines. Furthermore, a petition for the Pilot Program should not be filed until and unless all of the requirements set forth in the Notice are met; i.e., a petition should not be filed for an application that is currently classified outside the eligible classifications set forth in the Notice.

Applicants arguments regarding the suggested classification have been considered but are not deemed to be persuasive. While applications are routinely cross referenced in multiple related classes/subclasses, the Original classification is determined by the following factors:

1) Hierarchy of categories of subject matter (e.g. method of using claims determine classification over article claims).

2) Superiority of types of subject matter (e.g. chemical subject matter controls over electrical subject matter).

3) Class superiority. All classes in the US Classification system are assigned a relative superiority. This listing of all classes arranged by their relative superiority can be found on the USPTO website on the Classification Home Page under the link entitled "Classes Within the US Classification System Arranged by Related Subjects."

Based on the criteria above, the current Original classification is deemed to be appropriate.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1781 for action in its regular turn.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/546,522	10/10/2006	Stephen M. Lewis	257052-1051	2636

88984 7590 06/14/2010

Swiss Tanner, P.C.
P.O. Box 1749
Four Main Street, Suite 100
Los Altos, CA 94022

EXAMINER	
SRIVASTAVA, KAILASH C	

ART UNIT	PAPER NUMBER
1657	

MAIL DATE	DELIVERY MODE
06/14/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

JUN 14 2010

Swiss Tanner, P.C.
P.O. Box 1749
Four Main Street, Suite 100
Los Altos CA 94022

In re Application of	:	
STEPHEN, Lewis	:	DECISION ON PETITION
Application No. 11/546522	:	TO MAKE SPECIAL UNDER
Filed: October 10th, 2006	:	THE GREEN TECHNOLOGY
Attorney Docket No. 257052-1051	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed May 27th, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 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 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1651 for action on the merits commensurate with this decision.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

SOFER & HAROUN LLP.
317 MADISON AVENUE, SUITE 910
NEW YORK NY 10017

In re Application of :
STEINBERG, HELMUT :
Application No. 11/546524 : **DECISION ON PETITION**
Filed: October 11, 2006 :
Attorney Docket No. **979-260** :

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent & Trademark (USPTO) on November 26, 2008.

The petition is **DISMISSED**.

The above-identified application was held abandoned for applicant's failure to timely pay the issue fee, as required in the Notice of Allowance and Fee(s) Due mailed May 28, 2008. The Notice of Abandonment, mailed on September 23, 2008 indicates, "The submitted fee of $0 is insufficient. A balance of $1740 is due".

The Office acknowledges receipt of Part B – Fee(s) Transmittal on September 2, 2008 authorizing that the Issue Fee be charged to Deposit Account No. 19-2825. On September 2, 2008 when an attempt was made by the Office of Finance to charge the fees, there were insufficient funds in the Deposit Account to charge the required fee.

37 CFR 1.25 (a) and (b), which states in part:

> 1.25(a) ...An amount sufficient to cover all fee, services, copies, etc., requested must always be on deposit. Charges to accounts with insufficient funds will not be accepted."
>
> 1.25 (b) ...An authorization to charge a fee to a deposit account will not be considered payment of the fee on the date the authorization to charge the fee is effective as to the particular fee to be charged unless sufficient funds are present in the account to cover the fee.

In light of the non-compliance with 37 CFR 1.25, the holding of abandonment cannot be withdrawn.

Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website http://www.uspto.gov)

- Under 37 CFR 1.137(a), a petition for the revival of an ***unavoidable*** abandoned application
- Under 37 CFR 1.137(b), a petition for the revival of an ***unintentionally*** abandoned application

Further inquires with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

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

Telephone inquires concerning this decision matter may be directed to the undersigned at 703-308-9250 Ext. 164.

For Kendrick Spruill
Office of the Director
Office of Patent Publications

PTO/SB/130 (03-08)
Approved for use through 05/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	11/546,529	Confirmation Number	2653	Filing Date	2006-10-10
Attorney Docket Number (optional)	SSH-101/US	Art Unit	3662	Examiner	YUNG, LISA
First Named Inventor	ROBERT SHOWEN				
Title of Invention	ACOUSTIC LOCATION OF GUNSHOTS USING COMBINED ARRIVAL AND TIME OF ARRIVAL MEASUREMENTS				

Attention: Office of Petitions

An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
ROBERT		SHOWEN	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

(●) (1) I am an inventor in this application and I am 65 years of age, or more.

(○) (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Robert L. Showen/	Date (YYYY-MM-DD)	2008-05-12
Name	Robert L. SHOWEN		

PTO/SB/130 (03-08)
Approved for use through 05/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
Robert L. Showen

Application No. 11546529

Filed: October 10,2006

Attorney Docket No. SSH-101/US

: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 12-MAY-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

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Jenkins, Wilson, Taylor & Hunt, P. A.
3100 Tower Blvd. University Tower, Suite 1200
Durham, NC 27707

Mail Date: 04/21/2010

Applicant	: Edward J. Kapturowski	: DECISION ON REQUEST FOR
Patent Number	: 7637490	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/546,535	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **484** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

In re Application of :
Kapturowski et al :
Application No. 11/546,553 : ON PETITION
Filed: October 12, 2006 :
Attorney Dkt No. 063288-0730 :
Title: Apparatuses and Methods for :
Registering Sheet Articles :
:

This is a decision on the petition filed January 8, 2007, requesting in effect, the "Notice of Omitted Item(s)contained in the Notice to File Missing Parts in a Nonprovisional Application" ("Notice") be withdrawn, and the above-identified application be accorded a filing date of October 12, 2006 including figure 1.

The application was filed on October 12, 2006. However, on November 7, 2006, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of October 12, 2006 but figure 1 as described in the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends figure 1 as described in the specification was filed on October 12, 2006. In support, the petition is accompanied by a copy of applicants' return postcard which lists " 12 sheets of drawings. The petition is further accompanied by a copy of figure 1.

Applicants' postcard receipt is prima facie evidence that 12 sheets of drawings, including figure 1 were received on October 12, 2006. Therefore, it is concluded that figure 1 was received on October 12, 2006, as shown in counsel's file, and later misplaced in the office.

The petition is Granted. The $400.00 petition fee will be refunded to deposit account 50-0417.

The application will be returned to the Office of Initial Patent Examination for further processing with a **filing date of October 12, 2006**, using the drawings submitted on October 12, 2006 and copy of figure 1 supplied with the petition on January 8, 2007.

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

Charlema R. Grant
Petition Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Jenkins, Wilson, Taylor & Hunt, P.A.
3100 Tower Blvd, University Tower
Suite 1200
Durham, NC 27707

Mail Date: 04/21/2010

Applicant	: Edward J. Kapturowski	: DECISION ON REQUEST FOR
Patent Number	: 7607649	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/546,554	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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PAUL M. DENK
SUITE 170
763 S. NEW BALLAS RD.
ST. LOUIS MO 63146

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DEC 22 2009

OFFICE OF PETITIONS

In re Application of :
Clark :
Application No. 11/546,585 : DECISION
Filed: 11 October, 2006 :
Attorney Docket No. 7682 :

This is a decision on the petition filed on 2 November, 2009, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay .

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

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the final Office action mailed on 24 March, 2009, with reply due absent an extension of time on or before 24 June, 2009.

The application went abandoned by operation of law after midnight 24 June, 2009.

It does not appear that the Office mailed the Notice of Abandonment before a petition was filed.

On 2 November, 2009, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, with a reply in the form of an amendment and a statement of unintentional delay.

The Office mailed the Notice of Abandonment on 14 December, 2009.

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.[1]

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).[2] 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.[3]))

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.

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] 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.

[3] 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 pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Office of Technology Center/AU 1797 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[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[4] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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Treyz Law Group
870 Market Street, Suite 984
San Francisco, CA 94102

Mail Date: 04/21/2010

Applicant	: Srinivas Perisetty	: DECISION ON REQUEST FOR
Patent Number	: 7629831	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/546,597	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **7** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO, IL 60661

Mail Date: 04/21/2010

Applicant	: George Kasboske	: DECISION ON REQUEST FOR
Patent Number	: 7600653	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/546,603	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **247** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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VERTEX PHARMACEUTICALS INC.
130 WAVERLY STREET
CAMBRIDGE, MA 02139-4242

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OFFICE OF PETITIONS

In re Application of :
Esther MARTINBOROUGH et al. :
Application No. 11/546,669 :
Filed: October 12, 2006 :
Attorney Docket No. VPI/05-149 US :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 21, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed November 03, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 04, 2007.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the required fees and oath or declaration; (2) the petition fee of $1,500.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of November 03, 2006 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

The application is being referred to the Office of Initial Patent Examination.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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DINSMORE & SHOHL LLP
FIFTH THIRD CENTER, ONE SOUTH MAIN STREET
SUITE 1300
DAYTON, OH 45402-2023

Mail Date: 04/21/2010

Applicant	: Robin Cooper	: DECISION ON REQUEST FOR
Patent Number	: 7648756	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/546,672	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **575** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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ESCHWEILER & ASSOCIATES, LLC
NATIONAL CITY BANK BUILDING
629 EUCLID AVE., SUITE 1000
CLEVELAND OH 44114

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JAN 05 2010

In re Application of	:	
Cheng et al.	:	
Application No. 11/546,688	:	ON PETITION
Filed: October 12, 2006	:	
Attorney Docket No. FASP104USA	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 30, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to rely in a timely manner to the non-final Office action mailed July 14, 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, by operation of law, the above-identified application became abandoned on October 15, 2008. A Notice of Abandonment was mailed February 17, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

[1] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.[2]

The instant petition lacks item(s) (3).

The Explanation for Delay in Filing Petition to Revive Under 37 C.F.R. § 1.137(b) states that "the delay in filing such a petition was unintentional". However, in Mr. Thomas G. Eschweiler's Explanation he clearly states that "During the response time period at issue the assignee in the present patent application, Spansion LLC, was in the process of dealing with creditors in order to avoid filing for bankruptcy protection. Consequently, they indicated that additional expenses were not to be accrued without express permission. Thus a response during the statutory time frame was not permitted." It would appear that the action was intentional.

Where the applicant deliberately permits an application to become abandoned, the abandonment of such application is considered to be a deliberately chosen course of action, and the resulting delay cannot be considered as "unintentional" within the meaning of 37 CFR 1.137(b).

Petitioner may wish to pursue reinstatement of the patent under the unavoidable provisions of 37 CFR 1.137(a). A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); **(3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable**; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

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) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

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[2] See MPEP 711.03(c)(III)(C) and (D).

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MCKINNEY LAW, LLC
390 N. ORANGE AVENUE, SUITE 2300
ORLANDO FL 32801

COPY MAILED

SEP 18 2008

In re Application of :
COFNAS, Abraham et al. :
Application No. 11/546,694 : DECISION ON PETITION
Filed: October 12, 2006 : TO WITHDRAW
Attorney Docket No. **663-01** : FROM RECORD
:

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 02, 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 Matthew Mckinney, the sole attorney of record. Matthew Mckinney 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.

There is an outstanding Office action mailed August 29, 2008 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **ABRAHAM COFNAS**
745 RIVERBEND BLVD.
LONGWOOD FL 32779

cc: **JONATHAN T. KAPLAN**
10800 SE 17TH CIRCLE
SUITE E66
VANCOUVER WA 98664

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Paper No.

CHOATE, HALL & STEWART LLP
SLOAN-KETTERING INSTITUTE FOR
CANCER RESEARCH
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

MAR 26 2010

OFFICE OF PETITIONS

In re Application of :
Danishefsky et al. :
Application No. 11/546,715 : LETTER REGARDING
Filed: October 12, 2006 : PATENT TERM ADJUSTMENT
Atty Docket No. 2003080-0233 :

This letter is in response to the "REQUEST FOR CLARIFICATION OF RECORD AND/OR RECONSIDERATION OF INITIAL PATENT TERM ADJUSTMENT CALCULATION," filed on December 18, 2009. Applicants request that the initial determination of patent term adjustment under 35 USC 154(b) be recalculated. The request is treated as a request pursuant to applicant's duty of good faith and candor to the Office.

The request for review of patent term adjustment is **GRANTED**.

The Office has updated the PALM and PAIR screens to reflect that the Patent Term Adjustment (PTA) at the time of the mailing of the Notice of Allowance is 149 days. A copy of the updated PALM screen, showing the revised determination, is enclosed.

On September 18, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 USC 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 156 days. The instant request for review of patent term adjustment was timely filed.[1]

Applicants request clarification of the record and reconsideration of the initial patent term adjustment calculation.

The petition states, in pertinent part:

[1] PALM Records indicate that the issue fee was paid on December 18, 2009.

> Specifically, Applicant notes that the original payment submitted on November 18, 2008, was a bona fide attempt to further prosecution and respectfully questions whether it would be proper to reduce patent term adjustment based on an honest miscalculation.

A review of the record reveals that Applicants should have been assessed an additional delay of 48 days. On November 18, 2008, an amendment was filed. On December 17, 2008, a Notice Requiring Excess Claims Fees was mailed, stating that the excess claim(s) filed on November 18, 2008, is not accompanied by the appropriate payment of excess claims fees set forth in 37 CFR 1.16(h)-(j) or 1.492(d)-(f). Applicants were given a one (1) month shortened period to reply to avoid abandonment. On January 5, 2009, 48 days after the filing of the amendment which lacked the excess claim fees, the excess claims fees were paid.

37 CFR 1.704(c)(7) states:

> Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping: Submission of a reply having an omission (§1.135(c)), in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the reply having an omission was filed and ending on the date that the reply or other paper correcting the omission was filed.

In this regard, 37 CFR 1.704(c)(7) does not provide an exception based upon the reason for the omission or applicant's *bona fide* attempt to advance prosecution of the application. The salient point is that the paper filed on November 18, 2008, contained an omission. Accordingly, the patent term adjustment must be reduced by the number of days beginning on the day after the date the reply having an omission was filed and ending on the date that the reply or other paper correcting the omission was filed, or 48 days.

It is additionally noted that a final Office action was mailed on April 28, 2009, four months and 41 days after the filing of the reply on November 18, 2008. Pursuant to 37 CFR 1.702(a)(2), an additional period of adjustment for Office delay of 41 days is warranted and will be entered.

In view thereof, the correct determination of PTA at the time of the mailing of the Notice of Allowance is one hundred forty-nine (149) days (197 (156 + 41) days of PTO delay, reduced by 48 days of Applicant delay).

As this letter was submitted as an advisement to the Office of an error in Applicant's favor, the Office will not assess the $200.00 fee under 37 CFR 1.18(e).[2]

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 patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to Douglas I. Wood, Senior Petitions Attorney, at (571) 272-3231.

Anthony Knight
Supervisor
Office of Petitions

Encl: Revised PALM Calculation

[2] Applicant submitted a petition fee of $400.00. This fee will be credited to counsel's credit card.

Day : Friday
Date: 3/26/2010

PALM INTRANET

Time: 08:22:15

PTA Calculations for Application: 11/546715			
Application Filing Date:	10/12/2006	PTO Delay (PTO):	156
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	149
PTO Delay Adjustment:	-7		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
74	03/26/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		7	
62	09/18/2009	MAIL NOTICE OF ALLOWANCE			
61	09/17/2009	ISSUE REVISION COMPLETED			
60	09/17/2009	DOCUMENT VERIFICATION			
59	09/17/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
58	09/17/2009	EXAMINER'S AMENDMENT COMMUNICATION			
57	09/17/2009	NOTICE OF ALLOWABILITY			
56	09/17/2009	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
55	09/03/2009	REFERENCE CAPTURE ON IDS			
54	09/03/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
53	09/17/2009	DATE FORWARDED TO EXAMINER			
52	09/03/2009	REQUEST FOR CONTINUED EXAMINATION (RCE)			
51	09/17/2009	DISPOSAL FOR A RCE / CPA / R129			
50	09/09/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
49	09/14/2009	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
48	09/03/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
47	09/03/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
46	09/03/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
45	08/20/2009	PUBS CASE REMAND TO TC			
44	08/24/2009	WORKFLOW - QUERY REQUEST - BEGIN			

43	08/11/2009	EXPORT TO INITIAL DATA CAPTURE			
42	08/06/2009	MAIL NOTICE OF ALLOWANCE			
41	07/21/2009	ISSUE REVISION COMPLETED			
40	07/21/2009	DOCUMENT VERIFICATION			
39	07/21/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
38	07/21/2009	CASE DOCKETED TO EXAMINER IN GAU			
37	07/20/2009	NOTICE OF ALLOWABILITY			
36	07/06/2009	DATE FORWARDED TO EXAMINER			
35	06/29/2009	AMENDMENT AFTER FINAL REJECTION			
34	04/28/2009	MAIL FINAL REJECTION (PTOL - 326)			
33	04/27/2009	FINAL REJECTION			
32	02/26/2009	DATE FORWARDED TO EXAMINER			
31	01/05/2009	FEE PAYMENT RECORDED (FEES FILED SEPARATELY E.G. NOT WITH ORIGINAL PAPERS, ETC).			
30	12/17/2008	MAIL NOTICE OF REQUIRED FEES DUE			
29	12/16/2008	NOTICE OF ADDITIONAL FEE DUE			
28	12/16/2008	DATE FORWARDED TO EXAMINER			
27	11/18/2008	RESPONSE AFTER NON-FINAL ACTION			
26	09/04/2008	MAIL NON-FINAL REJECTION			
25	09/02/2008	NON-FINAL REJECTION			
21	08/06/2008	CASE DOCKETED TO EXAMINER IN GAU			
20	07/18/2008	DATE FORWARDED TO EXAMINER			
19	07/16/2008	RESPONSE TO ELECTION / RESTRICTION FILED			
18	07/16/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
17	05/16/2008	MAIL RESTRICTION REQUIREMENT	156		-1
16	05/12/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
15	02/27/2007	CASE DOCKETED TO EXAMINER IN GAU			
14	02/08/2007	PG-PUB ISSUE NOTIFICATION			
13	01/04/2007	PRELIMINARY AMENDMENT			
12	12/14/2006	MAIL NON-COMPLIANT PRELIMINARY AMENDMENT			
11	12/13/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
10	12/13/2006	NON-COMPLIANT PRELIMINARY AMENDMENT			
9	10/12/2006	PRELIMINARY AMENDMENT			
8	11/01/2006	APPLICATION DISPATCHED FROM OIPE			

7	11/01/2006	APPLICATION IS NOW COMPLETE			
5	10/24/2006	CLEARED BY L&R (LARS)			
4	10/24/2006	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
3	10/24/2006	CASE CLASSIFIED BY OIPE			
2	10/19/2006	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	10/12/2006	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to OASIS | Home page

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 07/17/09

TO SPE OF : ART UNIT 1796

SUBJECT : Request for Certificate of Correction for Appl. No.: 11546729 Patent No.: 7544765 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9C62-D
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

x**Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

_____

_____ 1796
SPE **Art Unit**

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CHARLES E. BAXLEY, ESQUIRE
90 JOHN STREET
SUITE 309
NEW YORK, NY 10038

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DEC 17 2008

In re Application of :
Kuo Chih Chao, et al. :
Application No. 11/546,734 : ON PETITION
Filed: October 11, 2006 :
Attorney Docket No. 16801 B (5293 RC) :

This is a decision in response to the petition, filed September 24, 2008, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **DISMISSED** because it is unsigned. The petition is signed by one of the two joint inventors.

37 CFR 1.33(b) states that:

Amendments and other papers filed in the application must be signed by:

(1) An attorney or agent of record appointed in compliance with §1.34(b);
(2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of §1.34(a);
(3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;
(4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undivided part interest; or
(5) **All of the applicants** (§§ 1.42. 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73. (emphasis added)

Further, a grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The petition does not comply with items 1 and 3.

In regard to item (1) - The requisite $720 issue fee and $300 publication fee have not been submitted.

In regard to item (3) - As the petition containing the statement of unintentional delay is not signed by all the inventors and the record herein fails to disclose that petitioner herein (Kuo Chih Chao) was ever given

a power of attorney to act on behalf of inventor Chia Pin Chen, the petition is considered to not contain a proper statement of unintentional delay.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

This decision is made without prejudice to reconsideration. However, 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 permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)" and include a ratification of the unsigned petition.

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-Web1

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: KUO CHIH CHAO
235 CHUNG-HO BOX 8-24
TAIPEI, TAIWAN R.O.C.

---

1 www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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KUO CHIH CHAO
135 CHUNG-HO BOX 8-24
TAIPEI, TAIWAN R.O.C.

MAILED

MAR 3 1 2009

OFFICE OF PETITIONS

In re Application of :
Kuo Chih Chao, et al. :
Application No. 11/546,734 : ON PETITION
Filed: October 11, 2006 :
Attorney Docket No. 16801 B (5293 RC) :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 11, 2009, to revive the above-identified application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition lacks item 1. 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. It is noted that petitioner submitted the $300 publication fee and a partial issue fee payment of $720. Effective October 2, 2008, the issue fee for a small entity was increased to $755. Since the balance of the issue fee is being paid after October 2, 2008, applicant must pay the new amount of $755. The issue fee submitted to date is deficient by $35. Accordingly, the application cannot be revived until the balance of the issue fee is paid.

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 the issue fee deficiency and 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 delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By Internet:	EFS-Web[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/546,734	10/11/2006	Kuo Chih Chao	16801 B (5293 RC)

CONFIRMATION NO. 4659

POWER OF ATTORNEY NOTICE

36672
CHARLES E. BAXLEY, ESQUIRE
90 JOHN STREET
SUITE 309
NEW YORK, NY 10038

Date Mailed: 03/26/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/17/2009.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/sdbrinkley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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JUN 10 2009

OFFICE OF PETITIONS

KUO-CHIH CHAO
235 CHUNG-HO BOX 8-24
TAIPEI, TAIWAN R.O.C. TW TAIWAN

In re Application of
Kuo Chih Chao, et al.
Application No. 11/546,734
Filed: October 11, 2006
Attorney Docket No. 16801 B (5293 RC)

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b) to revive the above-identified application, filed April 27, 2009.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before October 5, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed July 5, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 6, 2007. A Notice of Abandonment was subsequently mailed on October 29, 2007. A petition under the provisions of 37 CFR 1.137(b) was filed on September 24, 2008; however, the petition was dismissed in a decision mailed December 17, 2008. Thereafter, petitioners renewed petition of February 11, 2009, was dismissed by a decision mailed March 31, 2009. In response, on April 27, 2007, the present petition was filed.

The requirements of 37 CFR 1.137(b) have been satisfied in that petitioners have supplied (1) the reply in the form of the $755 issue fee and $300 publication fee; (2) the petition fee of $770; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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16 NOV 2006

KATTEN MUCHIN ROSENMAN, LLP
575 Madison Avenue
New York, NY 10022-2585

In re Application of: LUBBERS, Dierk
U.S. Application No.: 11/546,754
Filing Date: October 10, 2006
Dkt No.: COLT 20.654C (101402-00034)
For: DENTAL KIT AND METHOD FOR RETRACTING SULCUS

DECISION ON PETITION UNDER 37 CFR 1.137(b)

This decision is issued in response to the "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed October 10, 2006. Applicants have paid the required petition fee.

BACKGROUND

International application PCT/CH2003/000798 became abandoned with respect to the United States under 35 U.S.C. 371(d) at midnight on September 19, 2006 (thirty months after the priority date)

On October 10, 2006, applicants filed the present application under 35 U.S.C. 111(a) as a continuation of international application PCT/CH2003/000798, accompanied by the Petition For Revival considered herein.

DISCUSSION

The Petition For Revival includes the statement 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," satisfying the requirement of 37 CFR 1.137(b)(3), and all the requirements for revival under 37 CFR 1.137(b) have been submitted.

The filing of the present continuing application under 35 U.S.C. 111(a) is accepted as the appropriate response under 37 CFR 1.137(b). See MPEP section 711.03(c). International application PCT/CH2003/000798 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 11/546,754.

CONCLUSION

Applicant's petition for revival under 37 CFR 1.137(b) is **GRANTED**.

International application PCT/CH2003/000798 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 11/546,754.

This application is being referred to the Office of Initial Patent Examination (OIPE) for further processing in accordance with this decision.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

Mail Date: 04/26/2010

Applicant	: Robert E. Bucher JR.	: DECISION ON REQUEST FOR
Patent Number	: 7638113	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/546,764	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **360** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

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DEC 0 4 2006

OFFICE OF PETITIONS

In re Application of :
Shaw, et al. :
Filed: October 20, 2006 : ON PETITION
Application No. 11/546,826 :
Atty. Dkt. No.: 200406522-1 :

This decision is in response to the petition filed November 9, 2006 to accord the above-identified application a filing date of October 20, 2006 with 13 sheets of drawings as part of the original application as filed.

The application was filed October 20, 2006. The Notice mailed October 31, 2006 indicated that the application had not been accorded a filing date because the application appeared to have been submitted without drawings as required per 35 USC 113.

In response, the petitioners argue that the application as deposited included 13 sheets of the drawings and have provided as proof of mailing and proof of receipt of the 13 sheets of drawings a return postcard date stamped by the Office on October 20, 2006. A copy of the 13 sheets of drawings purportedly filed with the application was submitted herewith.

The original 13 sheets of drawings have not been located. However, in view of the evidence presented, the petition to accord the application a filing date of October 20, 2006 is GRANTED.

Since the original 13 sheets of drawings cannot be located in the Office, the copy submitted herewith will be used for examination purposes.

No petition fee is due in connection with this matter.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of October 20, 2006.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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FORT COLLINS, CO 80527-2400

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MAY 21 2008

OFFICE OF PETITIONS

In re Application of	:	
Shaw, et al.	:	
Filed: October 12, 2006	:	ON PETITION
Application No. 11/546,826	:	
Atty. Dkt. No.: 200406522-1	:	

This decision is in response to the petition filed November 9, 2006 to accord the above-identified application a filing date of October 12, 2006 with 13 sheets of drawings as part of the original application as filed. This decision corrects the decision mailed December 4, 2006.

The application was filed October 12, 2006. The Notice mailed October 31, 2006 indicated that the application had not been accorded a filing date because the application appeared to have been submitted without drawings as required per 35 USC 113.

In response, the petitioners argue that the application as deposited included 13 sheets of the drawings and have provided as proof of mailing and proof of receipt of the 13 sheets of drawings a return postcard date stamped by the Office on October 12, 2006. A copy of the 13 sheets of drawings purportedly filed with the application was submitted herewith.

The original 13 sheets of drawings have not been located. However, in view of the evidence presented, the petition to accord the application a filing date of October 12, 2006 is GRANTED.

Since the original 13 sheets of drawings cannot be located in the Office, the copy submitted herewith will be used for examination purposes.

No petition fee is due in connection with this matter.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of October 12, 2006.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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MAR 16 2007

OFFICE OF PETITIONS

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD, 7TH FLOOR
LOS ANGELES CA 90025-1030

In re Application of :
TULAC, Sanjin et al. :
Application No. 11/546,837 : DECISION ON PETITION
Filed: October 11, 2006 : TO WITHDRAW
Attorney Docket No. 005306.P145 : FROM RECORD
:

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 9, 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 SPRINGS RD.
BLDG. 4, SUITE 201
AUSTIN, TX 78759

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BALLARD SPAHR LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

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APR 14 2010

OFFICE OF PETITIONS

In re Application of :
Liang You :
Application No. 11/546,852 : ON PETITION
Filed: October 12, 2006 :
Attorney Docket No. 03362.0008U1 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed February 9, 2010.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply in response to the Office action mailed June 18, 2008. This Office action set a shortened statutory period for reply of one (1) month. No reply having been received, the application became abandoned on July 19, 2008. The Office mailed a Notice of Abandonment on February 9, 2009.

With the instant petition, petitioner made the proper statement of unintentional delay, paid the petition fee, and submitted the required reply in the form of an Election.

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. The statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3). The statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3).

Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The application is being forwarded to Group Art Unit 2892 for consideration of the Election, filed February 9, 2010.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

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JAN 16 2007

OFFICE OF PETITIONS

In re Application of :
Peters :
Application No. 11/546,867 : ON PETITION
Filed: October 12, 2006 :
Attorney Docket No. 061398-5003-US :
For: SYSTEM AND METHOD FOR IMAGE MAPPING AND VISUAL ATTENTION

This is a decision on the petition, filed October 31, 2006, requesting that the above-identified application be accorded a filing date of October 11, 2006, rather than the presently accorded filing date of October 12, 2006. The petition will be treated under 37 CFR 1.10(c).

Petitioner contends that the above-identified application was deposited in the United States Postal Service (USPS) Express Mail service on October 11, 2006 and therefore, requests that the Office accord a filing date of October 11, 2006 to the application. In support of this position, petitioner has supplied with the present petition a copy of Express Mail Receipt No. EV907292841US, bearing a postal stamp of "OCT 11 2006". The "date-in" field is blank. The utility patent application transmittal found in the application file references Express Mail Receipt Number: EV907292841US.

In view of the above, the petition is **granted**.

No fee has been or will be charged in connection with this matter.

This application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of **October 11, 2006.** Thereafter, this application file will be forwarded to Technology Center A.U. 3611 for examination in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/546,874	10/11/2006	Mickey Urdea	31376/43985A	4069

7590 12/04/2008

Marshall, Gerstein & Borun LLP (TETHYS)
233 S. Wacker Drive
Sears Tower
Suite 6300
Chicago, IL 60606

EXAMINER	
COOK, LISA V	

ART UNIT	PAPER NUMBER
1641	

MAIL DATE	DELIVERY MODE
12/04/2008	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.

Toni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
12/04/2008 NFARMER 0000165372

CHECK Refund Total: $5655.00

Adjustment date: 12/04/2008 NFARMER
04/24/2007 SFELEKE1 00000010 11546874
02 FC:2111 -250.00 OP
05 FC:2201 -2100.00 OP
06 FC:2202 -3125.00 OP
07 FC:2203 -180.00 OP

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FOX ROTHSCHILD, LLP
997 LENOX DRIVE
LAWRENCEVILLE, NJ 08648

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MAY 08 2008

OFFICE OF PETITIONS

In re Application of :
Scott D. Boden, et. al. :
Application No. 11/546,891 : DECISION DISMISSING PETITIONS
Filed: October 12, 2006 : UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 48170.00096/PC681.22 :

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed February 11, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**

A petition 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 information where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

Office records show the correct filing date for Provisional Application No. 60/132,021 is April 30, 1999. The record also shows that Application No. 09/959,578 filed on June 21, 2002 is filed more than twelve months from Provisional Application No. 60/132,021, for which priority is claimed. Therefore, any intermediate application filed within twelve months from Provisional Application No. 60/132,021 should be included in the amendment.

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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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LAWRENCEVILLE, NJ 08648

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JUL 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Scott D. Boden, et. al.	:	
Application No. 11/546,891	:	DECISION GRANTING PETITIONS
Filed: October 12, 2006	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 48170.00096/PC681.22	:	

This is a decision on the renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed May 30, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional, PCT and provisional applications set forth in the concurrently filed Application Data Sheet (ADS).

The petitions are **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Intermediate PCT Application No. PCT/US00/11664 was filed within twelve months of provisional Application No. 60/132,021, which was filed on April 30, 1999, for which priority is claimed. A reference to the prior-filed applications has been included in the supplemental ADS filed with the instant petition.

Additionally, 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) require a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §§1.78(a)(3) and 1.78(a))(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 1633, for consideration by the examiner of the claim under 35 U.S.C. § §120 and 119(e) of the prior-filed nonprovisional, PCT and provisional applications.

Any questions concerning this matter may be directed to Andrea Smith at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Andrea Smith
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/546,891	10/12/2006	1633	2480	48170.00096/PC681.22	39	5

CONFIRMATION NO. 4840

CORRECTED FILING RECEIPT

67676
Medtronic
Spinal and Biologics
2600 Sofamor Danek Drive
Memphis, TN 38132

OC000000030814709

Date Mailed: 07/07/2008

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)

Scott D. Boden, Atlanta, GA;
F. Louisa Titus, Atlanta, GA;
Sreedhara Sangadala, Dallas, GA;

Power of Attorney: The patent practitioners associated with Customer Number 29880

Domestic Priority data as claimed by applicant

This application is a CIP of 11/433,059 05/12/2006
which is a CON of 09/959,578 06/21/2002 PAT 7,045,614
which is a 371 of PCT/US00/11664 04/28/2000
which claims benefit of 60/132,021 04/30/1999

Foreign Applications

If Required, Foreign Filing License Granted: 10/31/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/546,891**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Novel bone mineralization protein expression systems, and methods of studying their intracellular signaling pathways

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 AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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ERNEST D. BUFF AND ASSOCIATES, LLC.
231 SOMERVILLE ROAD
BEDMINSTER NJ 07921

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JAN 26 2009

OFFICE OF PETITIONS

In re Application of
Michael E. Pereksta
Application No. 11/546,900
Filed: October 12, 2006
Attorney Docket No: **0287-1**

ON PETITION

This is a decision on the petition filed January 7, 2009 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition under 37 CFR 1.137 (b) is **GRANTED**.

This application became abandoned July 26, 2008 for failure to timely pay the issue fee on or before July 25, 2008. Accordingly, a Notice of Abandonment was mailed August 21, 2008.

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 applied. 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

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/546,909	10/13/2006	Tadahiro Sato	5248-011-US01	4786

7590 04/28/2009

HANIFY & KING PROFESSIONAL CORPORATION
1055 Thomas Jefferson Street, NW
Suite 400
WASHINGTON, DC 20007

EXAMINER	
VO, DON NGUYEN	

ART UNIT	PAPER NUMBER
2611	

MAIL DATE	DELIVERY MODE
04/28/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 04/29/2009 BPOWELL
10/16/2006 CHGUYEN2 00000093 195127 11546909
02 FC:1111 500.00 CR

Refund Ref:
04/29/2009 0030069429

Credit Card Refund Total: $650.00

Master C: XXXXXXXXXXXX0240

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

EDELL, SHAPIRO & FINNAN, LLC
1901 RESEARCH BOULEVARD
SUITE 400
ROCKVILLE, MD 20850

Mail Date: 05/19/2010

Applicant	: Hang Jin	: DECISION ON REQUEST FOR
Patent Number	: 7620423	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/546,922	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

OIPE
MAY 15 2009
PATENT & TRADEMARK OFFICE

23753

Certificate of Express or First-Class Mailing
I hereby certify that I have deposited this correspondence with the US Postal Service as first-class or, if a mailing-label number is given below, as express mail addressed to Comm. of Patents, Box 1450, Alexandria, VA 22313-1450
on MAY 12 2009

IN THE U.S. PATENT AND TRADEMARK OFFICE

11/546943

Patent No.	7,514,477
Inventors	Martin KLARE et al
Issued	7 April 2009
For	LOW-VISCOSITY RADIATION-CURABLE COMPOSITION FOR MAKING AN EARPIECE

Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Certificate
MAY 18 2009
of Correction

TRANSMITTAL LETTER

In the above-mentioned Letters Patent, the first word of the Assignee's name is spelled incorrectly.

The correct spelling of the Assignee's name should be shown as:

- - DREVE-OTOPLASTIK GMBH - -

It is therefore respectfully requested that the Letters Patent be corrected, and a new Letters Patent be issued. This request is being filed without a fee, since the originally submitted papers were correct, as shown on the enclosed supporting document.

If this request is granted, please forward it to the Certificates of Correction Branch, for issuance of a Certificate of Correction.

Respectfully submitted,
K. F. Ross P.C.

By: Andrew Wilford, 26,597
Attorney for Applicant

13 April 2009
5683 Riverdale Avenue Box 900
Bronx, NY 10471-0900
Cust. No.: 535
Tel: (718) 884-6600
Fax: (718) 601-1099

pf
Encs: PTO SB/44 (Also PTO form 1050) Certificate of Correction
Copy of PTOL-85 (Rev.08/07)

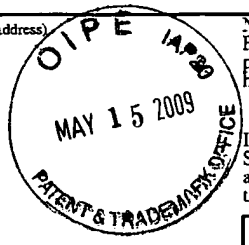
Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

535 7590 12/11/2008

K.F. ROSS P.C.
5683 RIVERDALE AVENUE
SUITE 203 BOX 900
BRONX, NY 10471-0900



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/546,943	10/12/2006	Martin Klare	23753	4292

TITLE OF INVENTION: LOW-VISCOSITY RADIATION-CURABLE COMPOSITION FOR MAKING AN EARPIECE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$755	$300	$0	$1055	03/11/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
BERMAN, SUSAN W	1796	522-081000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
1 Andrew Wilford
2
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE: DREVE-OTOPLASTIK GMBH
(B) RESIDENCE: (CITY and STATE OR COUNTRY): UNNA, GERMANY

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:
☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
☐ A check is enclosed.
☒ Payment by ~~credit card. Form PTO-2038 is attached~~ EFS
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature /Andrew Wilford/ Date 26 February 2009

Typed or printed name Andrew Wilford Registration No. 26,597

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

23753

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on

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(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO: 7,514,477
DATED : 7 April 2009
INVENTORS : Martin KLARE et al

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

The correct spelling of the Assignee's name is:

- - DREVE-OTOPLASTIK GMBH, Unna (DE) - -

Andrew Wilford, 26, 597

Mailing address of sender:

Patent No. 7,514,477

The Firm of Karl F. Ross P.C.
Customer Number 535
5683 Riverdale Avenue Box 900
Riverdale (Bronx), NY 10471-0900

19 SEP 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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Juneau Partners
P.O. Box 2516
Alexandria, VA 22301

In re Application of	:	
NERI et al.	:	
Application No.: 11/547,092	:	DECISION ON PETITION
PCT No.: PCT/IT05/00168	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 25 March 2005	:	
Priority Date: 30 March 2004	:	
Attorney Docket No.: Des-Neri	:	
For: SYNTHETIC PEPTIDES AS ANTIDOTES FOR ANTHRAX TOXIN	:	

The petition to revive under 37 CFR 1.137(b) filed 02 September 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the required reply (sequence listing) and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

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United States Patent and Trademark Office
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MAILED

MAY 21 2010

OFFICE OF PETITIONS

JUNEAU PARTNERS
333 N FAIRFAX ST., SUITE 305
ALEXANDRIA, VA 22301

In re Application of	:	
Paolo Neri et al	:	
Application No. 11/547,092	:	DECISION ON PETITION
Filed: September 21, 2007	:	TO WITHDRAW
Attorney Docket No. Des-Neri	:	FROM RECORD
	:	

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 1, 2010.

The request is **APPROVED**.

The request was signed by Todd L. Juneau on behalf of the practitioners of record associated with Customer Number 50438.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor or the assignee of the entire interest at the copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Paolo Neri
Liaison Office
Universlta degll Studi di Siona
Via Banchi di Sotto, 56
Siene, Italy 53100

cc: Dr. Neri
c/o De Simone & Partners S.P.A.
Via Vincenzo Bellini, 20
Rome, Italy 00198

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/547,092	09/21/2007	Paolo Neri	Des-Neri

CONFIRMATION NO. 6662

POWER OF ATTORNEY NOTICE

50438
JUNEAU PARTNERS
333 N Fairfax St.
Suite 305
ALEXANDRIA, VA 22301

OC000000041688530

Date Mailed: 05/20/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/01/2010.

- 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.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/547,092	09/21/2007	Paolo Neri	Des-Neri

CONFIRMATION NO. 6662

POA ACCEPTANCE LETTER

Paolo Neri
Liaison Office
Universita degli Studi di Siona
Via Banchi di Sotto, 56
Sience, 53100
ITALY

OC000000041588558

Date Mailed: 05/20/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/01/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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15 JUN 2007

McGinn Intellectual Property Law Group, PLLC
8321 Old Courthouse Road
Suite 200
Vienna, VA 22182-3817

In re Application of :
KUBOTA et al. :
Application No.: 11/547,102 : DECISION ON REQUEST
PCT No.: PCT/JP05/05051 :
Int. Filing Date: 15 March 2005 :
Priority Date: 30 March 2004 :
Attorney Docket No.: US01-06092PCT :
For: HOLOGRAPHIC RECORD CARRIER

This decision is issued in response to the "Petition under Rule 497" filed 30 January 2007, which is being treated as a request under 37 CFR 1.497(d) to correct the inventorship of the present national stage application. The petition fee has been submitted.

BACKGROUND

On 15 March 2005, applicants filed international application PCT/JP05/05051 which claimed a priority date of 30 March 2004. The published international application identified two applicant/inventors for the United States: Yoshihisa Itoh and Yoshihisa Kubota. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 02 October 2006.

On 02 October 2006, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a preliminary amendment; and a copy of the international application.

On 30 January 2007, applicants filed the present request under 37 CFR 1.497(d) to add Masakazu Ogasawara as an inventor.

DISCUSSION

The present submission seeks to correct the inventorship so as to add inventor Masakazu Ogasawara to the application. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicants must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:
>
> > (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> >
> > (2) The processing fee set forth in § 1.17; and
> >
> > (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter).
> >
> > (4) any new oath or declaration required by paragraph (f) of this subsection.

With respect to the adding to the application, applicants' submission satisfies requirements (1); (2) and (4).

With respect to the adding of Masakazu Ogasawara to the application, applicants' 30 January 2007 submission satisfies requirements (1),(2), and (4) . However, item (3) has not been satisfied. Specifically, while applicants have submitted a statement of consent from the purported assignee, Pioneer Corporation, a copy of the assignment itself is not present in the present petition. Either a copy of the assignment or a specific reference to its recorded location in the USPTO (i.e., reel and frame number) is required before the consent of the assignee can be accepted herein (see 37 CFR 3.73(b)). Because applicants have not satisfied all the requirements of 37 CFR 1.497(d), inventor Masakazu Ogasawara cannot be added to the application on the present record. (It is noted that the assignment allegedly filed with the present petition is not located therein.)

For the reasons discussed above, it is inappropriate, at this time, to grant applicants request for correction of inventorship.

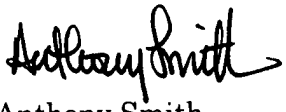
CONCLUSION

Applicants' request to add inventor Masakazu Ogasawara under 37 CFR 1.497(d) is **DISMISSED** without prejudice. The inventors of record remain the inventors named on the international application.

Applicants must file a proper response to this decision within **TWO (2) MONTHS** from the mail date indicated above. A proper response must include a written consent of assignee in compliance with 37 CFR 3.73(b).

Failure to file a timely and proper response will result in abandonment of the application. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, 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.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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23 OCT 2007

McGinn Intellectual Property Law Group, PLLC
8321 Old Courthouse Road
Suite 200
Vienna, VA 22182-3817

In re Application of :
KUBOTA et al. :
Application No.: 11/547,102 : DECISION ON REQUEST
PCT No.: PCT/JP05/05051 :
Int. Filing Date: 15 March 2005 :
Priority Date: 30 March 2004 :
Attorney Docket No.: US01-06092PCT :
For: HOLOGRAPHIC RECORD CARRIER

This decision is issued in response to the "Applicant's Statement of Substance and Summary of Examiner Interview" filed 12 July 2007, which is being treated as a renewed request under 37 CFR 1.497(d) to correct the inventorship of the present national stage application. No petition fee is due.

BACKGROUND

On 15 March 2005, applicants filed international application PCT/JP05/05051 which claimed a priority date of 30 March 2004. The published international application identified two applicant/inventors for the United States: Yoshihisa Itoh and Yoshihisa Kubota. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 02 October 2006.

On 02 October 2006, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a preliminary amendment; and a copy of the international application.

On 30 January 2007, applicants filed a request under 37 CFR 1.497(d) to add Masakazu Ogasawara as an inventor. In a "Decision on Request" dated 15 June 2007, applicants' petition under 37 CFR 1.497 was dismissed without prejudice.

On 12 July 2007, applicants filed the present renewed request under 37 CFR 1.497(d).

DISCUSSION

The present submission seeks to correct the inventorship so as to add inventor Masakazu Ogasawara to the application. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicants must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:
>
> > (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> >
> > (2) The processing fee set forth in § 1.17; and
> >
> > (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter).
> >
> > (4) any new oath or declaration required by paragraph (f) of this subsection.

Applicants have satisfied items (1), (2), (3) and (4).

CONCLUSION

Applicants' request for correction of inventorship under 37 CFR 1.497(d) is **GRANTED**.

Masakazu Ogasawara is added as an inventor herein.

A review of the application papers reveals that applicants have completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

29 JUL 2008

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Kratz, Quintos & Hanson, LLP
1420 K Street, N.W.
Suite 400
Washington, D.C. 20005

In re Application of :
IMAHORI et al. :
Application No.: 11/547,132 : DECISION ON PETITION
PCT No.: PCT/JP05/06496 :
Int. Filing Date: 01 April 2005 :
Priority Date: 08 April 2004 :
Attorney Docket No.: 060722 :
For: ELECTROSTATICALLY ATOMIZING DEVICE

This decision is issued in response to the declaration submitted on 04 October 2006 which is being treated as a Request under 37 CFR 1.42.

BACKGROUND

On 01 April 2005, applicants filed international application PCT/JP05/06496, which claimed a priority date of 08 April 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 08 October 2006.

On 04 October 2006, applicants filed a transmittal for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an Information Disclosure Statement; a copy of the international application; and a declaration executed by ten joint-inventors and the legal representative of deceased inventor, Toshihisa Hirai.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The declaration filed 04 October 2006 is executed by Kishiko Hirai as the "legal

representative"of Toshihisa Hirai and provides her residence, post office address and country of citizenship. In addition, the declaration provides the country of citizenship of the deceased inventor. The declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

3 1 JAN 2008

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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SUGHRUE MION, PLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

In re Application of	:	DECISION ON
Hiroki HARA et al	:	
Application No.: 11/547,161	:	
PCT No.: PCT/JP2005/006287	:	
Int. Filing Date: 31 March 2005	:	PETITION UNDER
Priority Date: 31 March 2004	:	
Attorney Docket No.: Q97487	:	
For: HOLDER WITH WIRELESS...	:	
WIRELESS IC TAG	:	37 CFR 1.182

This decision is in response to petitioner's "PETITION UNDER 37 CFR 1.182 TO CORRECT INVENTOR'S NAME" FILED ON 03 January 2008. The petition fee of $400.00 has been charged to Deposit Account No. 50-2387.

BACKGROUND

On 02 October 2006, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee. Applicants, however, did not provide an executed oath or declaration as required under 35 U.S.C. 371(c)(4).

On 04 June 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date." It also stated that items set forth above must be submitted within two months from date of mailing or by 32 months from the priority date, whichever is later. Failure to properly respond will result in abandonment.

On 29 June 2007, applicants submitted an executed declaration. In the declaration section pertaining to the first named inventor, the name Yuuki Hara appears; this name did not appear in the international application. In addition, the declaration has been signed by "Yuuki Hara."

On 04 December 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF A DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) because the declaration was in not compliance with 37 CFR 1.497(a) and (b). It stated that the first name of first inventor is different than the published International Application.

On 03 January 2008, petitioner filed the instant petition, which included an affidavit in support of the correct name as Yuuki Hara as shown on the Declaration of the National Phase application.

DISCUSSION

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby he change of name was effected, or a certified copy of the court order.

With respect to item (1), the petition fee has been charged to petitioner's deposit account.

With respect to item (2), an affidavit has been provided signed under Yuuki HARA. It sets forth the procedure whereby the correct name is Yuuki HARA and not Hiroki HARA. The wrong occurred because the character used for this name has different readings. Therefore, item (2) has been satisfied.

However, applicants have provided a defective declaration because there are alterations on it - lines across the incorrect name of the first inventor and next to it is the correct name. Any alternation made after the signing of an oath or declaration must be supported by a supplemental oath or declaration under §1.67. Note 37 CFR §1.52.

A proper response to this decision is a new oath or declaration in compliance with 37 CFR 1.497 with the correct name of the first inventor's given name.

For the reasons above, the application may not enter into national stage processing at this time.

CONCLUSION

The petition under 37 CFR 1.182 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 include a cover letter entitled "Renewed Petition Under 37 CFR 1.182". Failure to respond will result in the ABANDONMENT of the application. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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12 MAR 2008

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	DECISION ON RENEWED
Hiroki HARA et al.	:	
PCT No.: PCT/JP2005/006287	:	
Application No.: 11/547,161	:	
Int. Filing Date: 31 March 2005	:	PETITION UNDER
Priority Date: 31 March 2004	:	
Attorney's Docket No.: Q97487	:	
For: HOLDER WITH WIRELESS...	:	
WIRELESS IC TAG	:	37 CFR 1.182

This is in response to applicant's submission "REPLY TO DECISION ON PETITIONUNDER 37 CFR 1.182" filed on 26 February 2008.

BACKGROUND

In a decision from this Office on 31 January 2008, the decision indicated that the application could not enter into national stage at that time because it appeared that the declaration was defective.

On 26 February 2008, this renewed petition was filed and states that the inventor properly initialed and dated the change to his name on the Declaration.

DISCUSSION

A review of the executed Declaration shows that it was proper at the time of filing the petition on 03 January 2008.

For the reasons above, the application may enter into national stage processing at this time.

CONCLUSION

The petition under 37 CFR 1.182 is **GRANTED.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **29 June 2007.**

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/547,164	10/02/2006	Shinji Uchida	043888-0506	7318

53080 7590 10/02/2008

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER	
ART UNIT	PAPER NUMBER
2878	

MAIL DATE	DELIVERY MODE
10/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON DC 20005-3096

In re Application of
Shinji UCHIDA
Application No.: 11/547,164
Filed: 10/02/2006
Attorney Docket No.: 043888-0506

For: OPTICAL ELEMENT AND OPTICAL MEASUREMENT DEVICE USING THE OPTICAL ELEMENT

: DECISION ON REQUEST TO
: PARTICIPATE IN THE 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 20 August 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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, 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 obtain a copy from the 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) and
    c. A statement that the English translation is accurate;
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 claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then a copy of 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 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 language translation of the JPO Office action from (5)(a)(i)-(ii) above
    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 the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

CONCLUSION

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.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to the examiner for action on the merits commensurate with this decision.

Michael Day
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/547,164	10/02/2006	Shinji Uchida	043888-0506	7318

53080 7590 10/02/2008

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER	
ART UNIT	PAPER NUMBER
2878	

MAIL DATE	DELIVERY MODE
10/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON DC 20005-3096

In re Application of
Shinji UCHIDA
Application No.: 11/547,164
Filed: 10/02/2006
Attorney Docket No.: 043888-0506

For: OPTICAL ELEMENT AND OPTICAL MEASUREMENT DEVICE USING THE OPTICAL ELEMENT

: DECISION ON REQUEST TO
: PARTICIPATE IN THE 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 20 August 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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, 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 obtain a copy from the 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) and
    c. A statement that the English translation is accurate;
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 claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then a copy of 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 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 language translation of the JPO Office action from (5)(a)(i)-(ii) above
    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 the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

CONCLUSION

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.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to the examiner for action on the merits commensurate with this decision.

Michael Day
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of	:	
Bunce	:	
Application No.: 11/547,176	:	DECISION
PCT No.: AU2005/000429	:	
Int. Filing Date: 24 March 2005	:	ON
Priority Date: 31 March 2004	:	
Attorney Docket No.: 03955.0159USWO	:	PETITION
For: Drive	:	

This is in response to the petition under 37 CFR 1.47(b) filed on 22 October 2007.

BACKGROUND

This international application was filed on 24 March 2005, claimed an earlier priority date of 31 March 2004, and designated the U.S. The International Bureau communicated a copy of the published international application to the USPTO on 13 October 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 30 September 2006. Applicants filed *inter alia* the basic national fee on 29 September 2006.

On 04 June 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an executed oath or declaration and a surcharge under 37 CFR 1.492(h).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the fee under 37 CFR 1.17(I), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known addresses of the inventors, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Regarding requirement (1), the petition fee has been paid.

Regarding requirement (2), petitioner urges that the absence on the declaration of the signature of sole inventor Philip Bunce be excused because he allegedly has refused to execute the application. Petitioner presents an "Statutory Declaration" signed by Dermot Patrick Patterson, but this document does not identify the instant application. Instead, it is directed toward "00/594822, 547514,11/547177, 11/813320, 11/813322, 10/574822." As such, it is not adequately clear whether any of the statements therein pertain to the instant application. Since petitioner has not adequately demonstrated that Mr. Bunce refused to execute this specific application after being presented with a complete copy of the application papers, or that he could

not be found or reached after diligent effort, it would not be appropriate to consider requirement (2) to have been satisfied at this time.

Regarding requirement (3), the petition includes a statement the last known address of Mr. Bunce. Accordingly, requirement (3) has been satisfied.

Concerning requirement (4), the instant renewed petition is accompanied by a declaration document signed by Philip Bunce, but directed to PCT/AU2004/000090, rather than the instant application, PCT/AU2005/000429. Petitioner does not appear to have provided a declaration directed to this application, and signed either by Mr. Bunce or by a 37 CFR 1.47(b) applicant on his behalf. Therefore, it would not be appropriateto conclude that requirement (4) has been satisfied.

Regarding requirement (5), petitioner's attention is respectfully directed to MPEP 409.03(f), which provides in part that

When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that

(A) the invention has been assigned to the applicant, or
(B) the inventor has agreed in writing to assign the invention to the applicant, or
(C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.

If the application has been assigned, a copy of the assignment (in the English language) must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant. A statement under 37 CFR 3.73(b) by the assignee must also be submitted (see MPEP § 324). An assignment of an application and any "reissue, division, or continuation of said application" does not itself establish an assignment of a continuation-in-part application. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956). An assignment to a 37 CFR 1.47(b) applicant for the sole purpose of obtaining a filing date for a 37 CFR 1.47(b) application is not considered an assignment within the meaning of 35 U.S.C. 118 and 37 CFR 1.47(b).

When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

If the invention has not been assigned, or if there is no written agreement to assign, the 37 CFR 1.47(b) applicant must demonstrate that he or she otherwise has a sufficient proprietary interest in the matter. A proprietary interest obtained other than by assignment or agreement to assign may be demonstrated by an

appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

Petitioner has not shown that Mr. Bunce has not signed an assignment in this particular application (it is noted that a signed page of an assignment for a different application has been enclosed), so case (A), above, does not apply. Nor has petitioner shown that Mr. Bunce has agreed in writing to assign this particular application, so case (B) does not apply. Regarding case (C), a showing that "the applicant otherwise has sufficient proprietary interest," the "Statutory Declaration" signed by Janet Marilyn Baker suggests that, in her opinion, "the invention belongs to the employer," presumably Eastland. However, it is not clear whether Ms. Baker is an attorney at law familiar with the law of Australia. Moreover, her arguments do not specifically appear to pertain to this particular application; though the instant application number appears on the first page of her statement, it does not appear in the table in paragraph 11, which lists the applications allegedly made in the scope of his employment. Ms. Baker refers to a company policy to support her position, but it is not clear that such policies are binding on Mr. Bunce (did he specifically agree in writing?). Petitioner also has not established whether this particular invention was in fact made within the scope of his employment, nor that title would lie with the putative 1.47(b) applicant, Eastland, rather than with another concern (such as Portland). For these reasons, petitioner has not adequately satisfied requirement (5).

Regarding requirement (6), the petition includes an appropriate showing that according the application status under 37 CFR 1.47(b) is necessary to preserve the rights of the parties or to prevent irreparable damage.

DECISION

The petition under 37 CFR 1.47(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 include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
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United States Patent and Trademark Office

2 3 OCT 2008

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MINNEAPOLIS MN 55402-0903

In re Application of	:	
Bunce	:	
Application No.: 11/547,176	:	DECISION
PCT No.: AU2005/000429	:	
Int. Filing Date: 24 March 2005	:	ON
Priority Date: 31 March 2004	:	
Attorney Docket No.: 03955.0159USWO	:	PETITION
For: Drive	:	

This is in response to the renewed petition under 37 CFR 1.47(b) filed on 08 August 2008.

DISCUSSION

In a Decision mailed on 09 June 2008, the petition under 37 CFR 1.47(b) filed on 22 October 2007 was dismissed, without prejudice, because petitioner was found not to have satisfied requirements (2), (4) and (5).

In response, regarding requirement (2), petitioner has furnished copies of letters from Errol J. Harwood to Mr. Bunce's counsel, Bettina Evert, which specifically identify the instant application, indicating that copies of the application and declaration document are attached for his execution. Petitioner has also provided a "Statutory Declaration" signed by Mr. Harwood.and referencing said letters. Based on the totality of the evidence now of record, it would be appropriate to conclude that Mr. Bunce has refused to execute the declaration within the meaning of 37 CFR 1.47(b).

Regarding requirement (4), petitioner has presented a declaration document executed on behalf of Mr. Bunce by Mr. Douglas Sims in the capacity of Executive Director of Eastland Medical Systems Ltd., the 37 CFR 1.47(b) applicant. This declaration is suitable for purposes of compliance with requirement (4).

Regarding requirement (5), petitioner has presented a memorandum entitled "Ownership of Intellectual Property in PAP Grinding Technology" which describes the status of the ownership of "the PAP Grinding Technology" under Australian law. The memorandum refers to "TAIT & CO" in the signature area, but it does not appear to have been signed by an "attorney at law familiar with the law of the jurisdiction involved" per MPEP 409.03(f)(since no signature appears). Schedule 2 of the memorandum specifically indicates that this particular application is among those being discussed. The memorandum is accompanied by copies of certain correspondence tending to show that the invention was made within the scope of Mr. Bunce's employment, but no corroborating statement on this point, made on the basis of first-hand knowledge, accompanies the memorandum. Petitioner also does not appear to have provided copies of ss.15(1)(a) and (b) of "the Act." Regarding the issue of whether proprietary interest lies with Eastland (as opposed to Portland), petitioner has provided an expurgated copy of the Minutes of an Eastland board meeting which references an agreement related to a "transfer of rights," but no copy of the underlying agreement has been made of record. For these reasons, it would not be appropriate to conclude that requirement (5) has been satisfied at this time.

It is also noted that "letter 12," dated "26/10/2005" and signed by Mr. Bunce, states that "I am concerned Iain White is not listed as co inventor on the documents," but does not clearly specify whether the concern pertains to this application. Meanwhile, petitioner has also provided a copy of an agreement signed by Mr. White, which also does not specifically indicate whether it pertains to the instant application. Paragraph 12 of the memorandum also references Mr. White. Petitioner should clarify Mr. White's status (if any) regarding inventorship of this particular application.

DECISION

The petition under 37 CFR 1.47(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 include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of	:	
Bunce	:	
Application No.: 11/547,176	:	DECISION
PCT No.: AU2005/000429	:	
Int. Filing Date: 24 March 2005	:	ON
Priority Date: 31 March 2004	:	
Attorney Docket No.: 03955.0159USWO	:	PETITION
For: Drive	:	

This is in response to the renewed petition under 37 CFR 1.47(b) filed on 23 February 2009.

DISCUSSION

In a Decision mailed on 23 October 2008, the petition under 37 CFR 1.47(b) filed on 08 August 2008 was dismissed, without prejudice, because petitioner was found not to have satisfied requirement (5), as follows:

> Regarding requirement (5), petitioner has presented a memorandum entitled "Ownership of Intellectual Property in PAP Grinding Technology" which describes the status of the ownership of "the PAP Grinding Technology" under Australian law. The memorandum refers to "TAIT & CO" in the signature area, but it does not appear to have been signed by an "attorney at law familiar with the law of the jurisdiction involved" per MPEP 409.03(f)(since no signature appears). Schedule 2 of the memorandum specifically indicates that this particular application is among those being discussed. The memorandum is accompanied by copies of certain correspondence tending to show that the invention was made within the scope of Mr. Bunce's employment, but no corroborating statement on this point, made on the basis of first-hand knowledge, accompanies the memorandum. Petitioner also does not appear to have provided copies of ss.15(1)(a) and (b) of "the Act." Regarding the issue of whether proprietary interest lies with Eastland (as opposed to Portland), petitioner has provided an expurgated copy of the Minutes of an Eastland board meeting which references an agreement related to a "transfer of rights," but no copy of the underlying agreement has been made of record. For these reasons, it would not be appropriate to conclude that requirement (5) has been satisfied at this time.
>
> It is also noted that "letter 12," dated "26/10/2005" and signed by Mr. Bunce, states that "I am concerned Iain White is not listed as co inventor on the documents," but does not clearly specify whether the concern pertains to this application. Meanwhile, petitioner has also provided a copy of an agreement signed by Mr. White, which also does not specifically indicate whether it pertains to the instant application. Paragraph 12 of the memorandum also references Mr. White. Petitioner should clarify Mr. White's status (if any) regarding inventorship of this particular application.

In response, petitioner has filed a copy of the legal memorandum which "is signed by an attorney on behalf of the firm..." The memorandum has been signed, but the identity of the signing attorney is unclear. Petitioner appears to imply that the signing attorney is a Mr. Tait, but the name of the attorney who signed the memorandum should be made of record. Petitioner

appears not to have responded directly to the request for a first-hand statement corroborating that the invention was made within the scope of Mr. Bunce's employment. In addition, the requested "copies of ss.15(1)(a) and (b) of "the Act" have not been provided. Also, petitioner has not addressed the issue of why references to Mr. White have been made in the record of this application. Petitioner is respectfully advised that the companion applications referenced in the instant renewed petition have been reviewed but, for the reasons stated herein, it would not be appropriate to conclude that requirement (5) has been satisfied at this time, in this application.

DECISION

The petition under 37 CFR 1.47(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 include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
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Tel: (571) 272-3283
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1 OCT 2009

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MERCHANT & GOULD PC
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MINNEAPOLIS MN 55402-0903

In re Application of	:	
Bunce	:	
Application No.: 11/547,176	:	DECISION
PCT No.: AU2005/000429	:	
Int. Filing Date: 24 March 2005	:	ON
Priority Date: 31 March 2004	:	
Attorney Docket No.: 03955.0159USWO	:	PETITION
For: Drive	:	

This is in response to the renewed petition under 37 CFR 1.47(b) filed on 04 August 2009.

DISCUSSION

In a Decision mailed on 04 May 2009, the petition under 37 CFR 1.47(b) filed on 23 February 2009 was dismissed, without prejudice, because petitioner was found not to have satisfied requirement (5), as follows:

> In response, petitioner has filed a copy of the legal memorandum which "is signed by an attorney on behalf of the firm..." The memorandum has been signed, but the identity of the signing attorney is unclear. Petitioner appears to imply that the signing attorney is a Mr. Tait, but the name of the attorney who signed the memorandum should be made of record. Petitioner appears not to have responded directly to the request for a first-hand statement corroborating that the invention was made within the scope of Mr. Bunce's employment. In addition, the requested "copies of ss.15(1)(a) and (b) of "the Act" have not been provided. Also, petitioner has not addressed the issue of why references to Mr. White have been made in the record of this application. Petitioner is respectfully advised that the companion applications referenced in the instant renewed petition have been reviewed but, for the reasons stated herein, it would not be appropriate to conclude that requirement (5) has been satisfied at this time, in this application.

In response, petitioner has provided supplemental materials which, in combination with the previously filed materials, adequately demonstrate that the 37 CFR 1.47(b) applicant enjoys the necessary proprietary interest in the present application.

DECISION

The petition under 37 CFR 1.47(b) is **GRANTED**.

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the non-signing inventor at her last known address of record.

A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

The application is being returned to the National Stage Processing Branch for processing as the U.S. National Stage of the above-identified international application. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **08 August 2008** (the date the declaration was filed).

/George Dombroske/
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1 OCT 2009

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Philip Bunce
7 Beverly Street
Portland, Victoria 3305
AUSTRALIA

In re Application of
Bunce
Application No.: 11/547,176
PCT No.: AU2005/000429
Int. Filing Date: 24 March 2005
Priority Date: 31 March 2004
Attorney Docket No.: 03955.0159USWO
For: Drive

Dear Mr. Bunce:

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 the inventor.

As the named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for 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).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of the inventor. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Philip BUNCE) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/AU2005/000429 and was filed on March 24, 2005 in the name of Philip BUNCE for the invention entitled DRIVE. The national stage application number is 11/547,176 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of August 8, 2008.

19 NOV 2007

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Merchant & Gould, P.C.
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Minneapolis, MN 55402-0903

In re Application of	:	
BUNCE	:	DECISION ON PETITION
Serial No.: 11/547,177	:	
PCT No.: PCT/AU05/00432	:	UNDER 37 CFR 1.47(b)
Int. Filing Date: 24 March 2005	:	
Priority Date: 31 March 2004	:	
Atty Docket No.: 03955.0160USWO	:	
For: JIG	:	

This decision is in response to the "Petition Under 37 C.F.R. 1.47(b)" filed 09 October 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 24 March 2005, applicant filed international application PCT/AU05/00432 which claimed priority to an earlier U.S. application filed 31 March 2004. A copy of the international application was transmitted to the United States by the International Bureau (IB) on 13 October 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 31 October 2006.

On 29 September 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1). An executed oath or declaration as required by 35 U.S.C. 371 (c)(4) was not filed.

On 07 August 2007, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. In addition, applicant was notified of the need to provide a surcharge of $130.00 for filing the oath or declaration later than the appropriate 20 or 30 months from the earliest priority date. (37 CFR 1.492(e)). Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 09 October 2007, applicant responded with the present petition.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(h); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as an agent for the non-signing inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. Applicant has satisfied items (1), (3), and (6).

As to item (2), as stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal, "Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature."

In the present case it appears that Mr. Houthooft was not sent a complete set of application papers, but merely a declaration and assignment document. For example, applicant's exhibit "Searching For Mr. Bunce" shows an 06 October 2006 entry where Mr. Bunce's counsel is requesting a complete set of the application papers prior to Mr. Bunce signing the oath or declaration. Applicant has not provided a firsthand statement detailing that a complete set of papers was ever sent. As such, it is not possible to consider his subsequent silence as a refusal for the purposes of 37 CFR 1.47.

Regarding item (4), applicant has not provided an oath or declaration executed on behalf of the non-signing inventor.

As to item (5), applicant has not provided proof of proprietary interest. Applicant has not provided a signed assignment document nor employment agreement. MPEP 409.03(f) provides for cases where a signed assignment is not present:

> A proprietary interest obtained other than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

In her declaration Ms. Baker states that under Australian law, the rights to the invention

belong to Eastland Medical Systems, Ltd., however, it does not appear that Ms. Baker is an attorney at law, but is instead merely stating her understanding of the relevant statutes. As to the responsibilities of Mr. Bunce under his employment agreement and the company manual. MPEP 409.03(f) explains that in cases where an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b):

> a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

Applicant has not satisfied this item.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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0 8 JUL 2008

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Merchant & Gould, P.C.
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In re Application of	:	
BUNCE	:	DECISION ON RENEWED
Serial No.: 11/547,177	:	
PCT No.: PCT/AU05/00432	:	PETITION UNDER
Int. Filing Date: 24 March 2005	:	
Priority Date: 31 March 2004	:	37 CFR 1.47(b)
Atty Docket No.: 03955.0160USWO	:	
For: JIG	:	

This decision is in response to the "Renewed Petition Under 37 C.F.R. 1.47(b)" filed 13 May 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 19 November 2007, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(b). Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 13 May 2008, applicant responded with the present renewed petition accompanied by a petition for a four-month extension of time and payment of the appropriate extension of time fee. The renewed petition is therefore timely filed.

DISCUSSION

As detailed in the decision mailed 19 November 2007, a petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(h); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as an agent for the non-signing inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. Applicant previously satisfied items (1), (3), and (6).

With the filing of the present renewed petition and accompanying exhibits applicant has satisfied items (2) and (5). Specifically, applicant has provided evidence that Mr. Houthooft, counsel to the non-signing inventor Mr. Bunce was sent a complete set of application papers and to date Mr. Bunce has yet to return an executed declaration. In addition, applicant has provided the Office with a legal memorandum from the Australian law firm of Tait & Co. supporting the contention that Eastland Medical is the owner of the application and maintains a proprietary

interest in the application.

Regarding item (4), applicant has provided an oath or declaration executed on behalf of the non-signing inventor. The petition states that the declaration has been signed on behalf of Mr. Bunce by Mr. Douglas Sims, executive director of Eastland Medical. However, the declaration is not in compliance with 37 CFR 1.497(b). 37 CFR 1.497(b)(2) states that:

If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state.

The filed declaration merely contains a signature and the statement, "on behalf of Bunce." As shown above this is insufficient.

In light of the above, it is not possible to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons stated above, applicant's renewed petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of	:	
BUNCE	:	DECISION ON RENEWED
Serial No.: 11/547,177	:	
PCT No.: PCT/AU05/00432	:	PETITION UNDER
Int. Filing Date: 24 March 2005	:	
Priority Date: 31 March 2004	:	37 CFR 1.47(b)
Atty Docket No.: 03955.0160USWO	:	
For: JIG	:	

This decision is in response to the "Renewed Petition Under 37 C.F.R. 1.47(b)" filed 08 September 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 08 July 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(b). Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 08 September 2008, applicant responded with the present renewed petition.

DISCUSSION

As detailed in the decision mailed 19 November 2007, a petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(h); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as an agent for the non-signing inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. Applicant previously satisfied items (1)-(3), and (5)-(6).

Applicant has presently filed a compliant combined declaration and power of attorney signed on behalf of Mr. Bunce by Mr. Douglas Sims, executive director of Eastland Medical which properly details the relationship of the Mr. Sims to the inventor. As such, applicant has satisfied the remaining item and it is proper to grant applicant's renewed petition under 37 CFR 1.47(b) at this time.

CONCLUSION

For the reasons discussed above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 24 March 2005 under 35 U.S.C. 363, and will be given a date of **08 September 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

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29 OCT 2008

Mr. Philip Bunce
7 Beverly Street
Portland, Victoria 3305
AUSTRALIA

In re Application of
BUNCE
Serial No.: 11/547,177
PCT No.: PCT/AU05/00432
Int. Filing Date: 24 March 2005
Priority Date: 31 March 2004
Atty Docket No.: 03955.0160USWO
For: JIG

Dear Mr. Bunce:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Mr. Brian H. Batzli
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UNITED STATES PATENT AND TRADEMARK OFFICE

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POST OFFICE BOX 1449
GREENVILLE, SC 29602-1449

Mail Date: 04/27/2010

Applicant	: Reto Peter	: DECISION ON REQUEST FOR
Patent Number	: 7576469	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/547,184	: 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 **447** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

17 MAR 2008
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NEW YORK, NY 10017

In re Application of	:	
Stolz et al.	:	
Application No.: 11/547,206	:	DECISION
PCT No.: PCT/NL2005/000243	:	
Int. Filing Date: 04 April 2005	:	ON
Priority Date: 02 April 2004	:	
Attorney Docket No.: 207,864	:	PETITION
For: A Method Of Preparing Dough Products	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 04 January 2008.

BACKGROUND

This international application was filed on 04 April 2005, claimed an earlier priority date of 02 April 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 13 October 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 02 October 2006. Applicants filed *inter alia* the basic national fee on 29 September 2006.

On 06 June 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Regarding **requirement (1)**, $130.00 of the $200.00 petition fee has been paid. The $70.00 balance is being charged to Deposit Account no. 01-0035, as authorized by the petition.

Regarding **requirement (2)**, petitioner seeks relief under 37 CFR 1.47(a) on the basis that joint inventor Hargreaves has refused to execute the application. Counsel's attention is respectfully drawn to MPEP 409.03(d), which states in part:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by

counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP § 106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal. When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition

The "Declaration of A.F.M. Spijkers In Support Of Rule 47(a) Petition," along with the attached copies of letters to Mr. Hargreaves, shows that, within the meaning of 37 CFR 1.47(a), Mr. Hargreaves' conduct constitutes a refusal to execute the application. Therefore, requirement (2) has been satisfied.

Regarding **requirement (3)**, the petition states the last-known address of the non-signing inventor. Accordingly, requirement (3) has been satisfied.

Regarding **requirement (4)**, inspection of the declaration of inventorship accompanying the instant petition reveals that it names "van Son, Matheus Wilhelmus Louis Jozef" in place of "VAN SON, Mathieu" nominated in the published international application. The salient difference is between the names "Mathieu" and "Matheus." MPEP 605.04(b) states in part that

> *Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee.*

Since the change described above represents more than a mere typographic error or

phonetic misspelling of applicant's name, a petition (and fee) under 37 CFR 1.182 is required in order for the declaration to be accepted. *See also* MPEP MPEP § 201.03(b). Alternatively, petitioner may wish to present a new, appropriately executed declaration document nominating the same inventive entity as appears on the published international application.

DECISION

The petition under 37 CFR 1.47(a) 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 include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
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3 1 JUL 2008

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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

In re Application of	:	
Stolz et al.	:	
Application No.: 11/547,206	:	DECISION
PCT No.: PCT/NL2005/000243	:	
Int. Filing Date: 04 April 2005	:	ON
Priority Date: 02 April 2004	:	
Attorney Docket No.: 207,864	:	PETITION
For: A Method Of Preparing Dough Products	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 14 July 2008.

DISCUSSION

In a Decision mailed on 17 March 2008, the petition under 37 CFR 1.47(a) filed on 04 January 2008 was dismissed, without prejudice, because

> Regarding **requirement (4)**, inspection of the declaration of inventorship accompanying the instant petition reveals that it names "van Son, Matheus Wilhelmus Louis Jozef" in place of "VAN SON, Mathieu" nominated in the published international application. The salient difference is between the names "Mathieu" and "Matheus." MPEP 605.04(b) states in part that
>
> *Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee.*
>
> Since the change described above represents more than a mere typographic error or phonetic misspelling of applicant's name, a petition (and fee) under 37 CFR 1.182 is required in order for the declaration to be accepted. *See also* MPEP MPEP § 201.03(b). Alternatively, petitioner may wish to present a new, appropriately executed declaration document nominating the same inventive entity as appears on the published international application.

In response, petitioner has filed a newly executed declaration which cures the defect noted in the previous Decision. Further inspection of the declaration filed on 14 July 2008 reveals that the document signed by Mr. Huscroft consists of two pages, while the documents signed by the other signing inventors consist of three pages each. As such, the document signed by Mr. Huscroft does not name the entire inventive entity. Reference is made to MPEP 201.03, which explains in part that

> 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. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with A's signature, and a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not).

Since the declaration signed by Mr. Huscroft does not nominate the entire inventive entity, it would not be appropriate to accept it at this time. To overcome this deficiency, petitioner may submit a declaration document nominating the entire inventive entity and signed by Mr. Huscroft (petitioner is not required to obtain the signatures of the other signing inventors again, to satisfy this requirement).

DECISION

The petition under 37 CFR 1.47(a) 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 include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
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1 4 OCT 2008

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ABELMAN, FRAYNE & SCHWAB
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NEW YORK, NY 10017

In re Application of	:	
Stolz et al.	:	
Application No.: 11/547,206	:	DECISION
PCT No.: PCT/NL2005/000243	:	
Int. Filing Date: 04 April 2005	:	ON
Priority Date: 02 April 2004	:	
Attorney Docket No.: 207,864	:	PETITION
For: A Method Of Preparing Dough Products	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 26 September 2008.

DISCUSSION

In a Decision mailed on 31 July 2008, the renewed petition under 37 CFR 1.47(a) filed on 14 July 2008 was dismissed, without prejudice, because

> ... petitioner has filed a newly executed declaration which cures the defect noted in the previous Decision. Further inspection of the declaration filed on 14 July 2008 reveals that the document signed by Mr. Huscroft consists of two pages, while the documents signed by the other signing inventors consist of three pages each. As such, the document signed by Mr. Huscroft does not name the entire inventive entity. Reference is made to MPEP 201.03...
>
> Since the declaration signed by Mr. Huscroft does not nominate the entire inventive entity, it would not be appropriate to accept it at this time. To overcome this deficiency, petitioner may submit a declaration document nominating the entire inventive entity and signed by Mr. Huscroft (petitioner is not required to obtain the signatures of the other signing inventors again, to satisfy this requirement).

In response, petitioner has submitted a declaration document signed by Mr. Huscroft, which nominates the same inventive entity as was named during the international phase. Taken with the declaration documents executed by the other signing inventors, this declaration satisfies requirement (4) of 37 CFR 1.47(a).

DECISION

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being returned to the Office of Patent Application Processing for processing as the U.S. National Stage of the above-identified international application. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **26 September 2008** (the date an acceptable declaration was filed).

/George Dombroske/
George Dombroske
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1 4 OCT 2008

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Neal Graham Hargreaves
6 The Paddock
Chester, CH4 8AE
UNITED KINGDOM

In re Application of
Stolz et al.
Application No.: 11/547,206
PCT No.: PCT/NL2005/000243
Int. Filing Date: 04 April 2005
Priority Date: 02 April 2004
Attorney Docket No.: 207,864
For: A Method Of Preparing Dough Products

Dear Mr. Hargreaves:

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) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for 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).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the PCT Legal Office.

/George Dombroske/
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NEW YORK, NY 10017

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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of a joint inventor. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Neil Graham HARGREAVES) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/NL2005/000243 and was filed on April 4, 2005 in the names of Peter STOLZ, Simon Christopher HUSCROFT, Neil Graham HARGREAVES, Udo SCHARF, Kerstin HAHN-SCHMIDT and Mathieu VAN SON for the invention entitled A METHOD OF PREPARING DOUGH PRODUCTS. The national stage application number is 11/547,206 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of September 26, 2008.

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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

Mail Date: 05/21/2010

Applicant	: Kevin Anthony Derek Hadfield	: DECISION ON REQUEST FOR
Patent Number	: 7619201	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/547,215	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/24/2007	: 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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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

Mail Date: 04/27/2010

Applicant	: Peter Koch	: DECISION ON REQUEST FOR
Patent Number	: 7619887	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/547,240	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/03/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **156** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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31 OCT 2006

Cantor Colburn, LLP
55 Griffin Road South
Bloomfield, CT 06002

In re Application of
KRAUSE, et al.
Application No.: 11/547,292
PCT No.: PCT/US05/10325
Int. Filing Date: 28 March 2005
Priority Date: 31 March 2004
Attorney Docket No.: NEU-0028
For: COMBINATION THERAPY FOR WEIGHT MANAGEMENT

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 03 October 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

10/31/2006 SHASHEIR 00000002 061130 11547292
Sale Ref: 00000002 DAH: 061130 11547292
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FOLEY & LARDNER LLP
1530 PAGE MILL ROAD
PALO ALTO CA 94304

In re Application of	:	
GUSEVA et al.	:	
Application No.: 11/547,319	:	DECISION ON
PCT No.: PCT/RU2003/000303	:	
Int. Filing Date: 11 July 2003	:	PETITION UNDER
Priority Date: None	:	
Attorney Docket No.: 072078-0250	:	37 CFR 1.137(b)
For: COLD CATHODES MADE OF CARBON MATERIALS	:	

This decision is in response to applicants' submission filed 02 October 2006.

BACKGROUND

On 11 July 2003, applicants filed international application PCT/RU2003/000303 which designated the U.S. and did not claim a priority date. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 20 January 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 11 January 2006.

On 11 January 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, a declaration of the inventors, an English translation of the international application, an assertion of small entity status, the processing fee under 37 CFR 1.492(i) for providing the translation later than thirty months from the priority date, the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicants submitted the basic national fee on 02 October 2006.

As to item (2), applicants submitted the petition fee on 02 October 2006.

As to item (3), the requisite statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Declaration of Inventors

The declaration of inventors filed 02 October 2006 is not in compliance with 37 CFR 1.497(a)-(b). There is a difference in names in several of the named inventor between the published international application (Malvina Borisovna Guseva, Natalya Fedorovna Savchenko, and Veleriy Vladimirovich Khvostov) and the declaration of inventors (Mal'vina Borisovna Guseva, Natal'ya Fyodorovna Savchenko, and Velerii Vladimirovich Khvostov). It is not clear if there was a typographical or transliteration error in the names of the inventors as indicated in the international application or declaration (an acceptable explanation would be required), or if the inventors have changed their names (a petition under 37 CFR 1.182 (see MPEP § 605.04(c)) for each inventor would be required), or if a change of inventorship is being made from the inventorship of the application as indicated in the international application (a petition under 37 CFR 1.497(d) would be required).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response. Regarding the names of the inventors, a proper response would be a new oath(s) or declaration(s) properly identifying the inventors and signed by the inventors, or an acceptable explanation of any typographical or transliteration errors in the names of the inventors as indicated in the international application if this is the case, or a petition under 37 CFR 1.182 (see MPEP § 605.04(c)) if the inventors have changed their names, or a petition under 37 CFR 1.497(d) if a change of inventorship is being made from the inventorship of the application as indicated in the international application. Extensions of time under 37 CFR 1.136(a) are available.

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria,

Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Daniel Stemmer
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28 MAR 2007

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FOLEY & LARDNER LLP
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In re Application of	:	
GUSEVA et al.	:	
Application No.: 11/547,319	:	NOTIFICATION
PCT No.: PCT/RU2003/000303	:	
Int. Filing Date: 11 July 2003	:	
Priority Date: None	:	
Attorney Docket No.: 072078-0250	:	
For: COLD CATHODES MADE OF CARBON MATERIALS	:	

This notification is in response to applicants' "RESPONSE TO DECISION ON PETITION" filed 19 December 2006.

BACKGROUND

On 11 July 2003, applicants filed international application PCT/RU2003/000303 which designated the U.S. and did not claim a priority date. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 20 January 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 11 January 2006.

On 11 January 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, a declaration of the inventors, an English translation of the international application, an assertion of small entity status, the processing fee under 37 CFR 1.492(i) for providing the translation later than thirty months from the priority date, the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage, and a petition under 37 CFR 1.137(b) to revive the application.

On 13 November 2006, a decision was mailed granting applicants' petition under 1.137(b) to revive the application. The decision also noted that there was a difference in names in several of the named inventor between the published international application (Malvina Borisovna Guseva, Natalya Fedorovna Savchenko, and Veleriy Vladimirovich Khvostov) and the declaration of inventors (Mal'vina Borisovna Guseva, Natal'ya Fyodorovna Savchenko, and Velerii Vladimirovich Khvostov).

DISCUSSION

The submission filed 19 December 2006 concerns the names of the inventors identified above. The submission explains that the spelling of the inventors' names in the declaration is an accurate translation. This explanation of the difference in spelling between the international application and the declaration of inventors is accepted and noted for the record.

CONCLUSION

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

Mail Date: 04/21/2010

Applicant	: Junji Nishida	: DECISION ON REQUEST FOR
Patent Number	: 7605573	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/547,325	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/03/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

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

02 NOV 2006

Edgar E. Spielman
Albemarle Corporation
451 Florida Street
Baton Rouge LA 70801

In re Application of SAUER et al. Application No.: 11/547,333 PCT No.: PCT/US05/10162 Int. Filing: 25 March 2005 Priority Date: 26 March 2004 Attorney Docket No.: S1-7337 For: METHOD FOR THE SYNTHESIS OF QUATERNARY AMMONIUM COMPOUNDS AND COMPOSITIONS THEREOF	DECISION ON PETITION TO REVIVE UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 29 September 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement 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" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $300 has now been provided. The required petition fee of $1500 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the $130 surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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27 JUN 2007

EDGAR SPIELMAN
ALBEMARLE CORPORATION
451 FLORIDA BLVD.
BATON ROUGE LA 70801

In re Application of SAUER et al.
Application No.: 11/547,333
PCT No.: PCT/US05/10162
Int. Filing: 25 March 2005
Priority Date: 26 March 2004
Attorney Docket No.: S1-7337
For: METHOD FOR THE SYNTHESIS OF QUATERNARY AMMONIUM COMPOUNDS AND COMPOSITIONS THEREOF

DECISION ON

SUBMISSION

This is a decision on applicant's "Response to Notification of Defective Response", filed in the United States Patent and Trademark Office (USPTO) on 26 February 2007 in the above-captioned application.

On 16 February 2007, a Notification of Defective Response was mailed to applicant indicating that the 2nd inventor's middle initial on the declaration did not correspond with the middle initial on the published application.

A review of the published international application reveals that the middle initial of the applicant is listed as "Christopher J. Knight"; however, in the executed declaration submitted on 09 February 2007, the middle initial is corrected as "Christopher S. Knight".

As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48(a) is not required. However, the Office should be notified of the error and provide an explanation. Applicant has apprised the USPTO that the error in the 2nd inventor's middle initial was a typographical error.

CONCLUSION

Applicants' explanation of the difference in the middle initial of Christopher S. Knight's name is accepted and noted for the record.

For the reasons above, the Request is **GRANTED**. No petition fee is required. The declaration of inventors submitted by applicants on 09 February 2007 is acceptable.

The application will be forward to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 09 February 2007.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286

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25 OCT 2006

Edgar E. Spielman
Albemarle Corporation
451 Florida Street
Baton Rouge, LA 70801

In re Application of SAUER et al :
U.S. Application No.: 11/547,338 :
PCT Application No.: PCT/US2005/010168 :
Int. Filing Date: 25 March 2005 : DECISION
Priority Date Claimed: 26 March 2004 :
Attorney Docket No.: S1-7341 :
For: METHOD OF EXCHANGING ANIONS OF :
TETRAALKYLAMMONIUM SALTS :

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 29 September 2006.

BACKGROUND

On 25 March 2005, applicant filed international application PCT/US2005/010168, which claimed priority of an earlier United States application filed 26 March 2004. The thirty-month period for paying the basic national fee in the United States expired on 26 September 2006.

International application PCT/US2005/010168 became abandoned as to the United States for failure to timely pay the basic national fee.

On 29 September 2006, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment 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 was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required basic national fee under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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FLASTER/GREENBERG P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
2nd Floor
Philadelphia, PA 19103

MAILED

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OFFICE OF PETITIONS

In re Application of	:	
James Dennis Holgersen	:	
Application No. 11/547,345	:	DECISION ON PETITION
Filed: October 3, 2006	:	TO WITHDRAW
Attorney Docket No. R0937-1U1	:	FROM RECORD
	:	

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 7, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Flaster/Greenberg P.C. has been revoked by the assignee of the patent application on February 15, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **EDELL, SHAPIRO & FINNAN, LLC**
1901 Research Boulevard
Suite 400
Rockville, MD 20850

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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MERCK
P O BOX 2000
RAHWAY, NJ 07065-0907

Mail Date: 04/21/2010

Applicant	: Mark T. Bilodeau	: DECISION ON REQUEST FOR
Patent Number	: 7655649	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/547,367	: 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 **610** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

13 NOV 2006

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ROGER PITT
KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP
599 LEXINGTON AVENUE
33RD FLOOR
NEW YORK NY 10022-6030

In re Application of	:	
MARPLE et al.	:	
Application No.: 11/547,369	:	DECISION ON
PCT No.: PCT/US2005/007232	:	
Int. Filing Date: 07 March 2005	:	PETITION UNDER
Priority Date: 05 March 2004	:	
Attorney Docket No.: 0807565.0127	:	37 CFR 1.137(b)
For: PROSODIC SPEECH TEXT CODES AND THEIR USE IN COMPUTERIZED SPEECH SYSTEMS	:	

This decision is in response to applicant's submission filed 03 October 2006.

BACKGROUND

On 07 March 2005, applicants filed international application PCT/US2005/007232 which designated the U.S. and claimed a priority date of 05 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 22 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 05 September 2006.

On 03 October 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, an assertion of small entity status, the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 03 October 2006.

As to item (2), applicant submitted the petition fee on 03 October 2006.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

30 SEP 2009

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Patterson, Thuente, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, MN 55402-2100

In re Application of: ROSTEN et al.
Application No.: 11/547,378
PCT No.: PCT/EP2005/051483
Int. Filing Date: 01 April 2005
Priority Date: 03 April 2004
Atty. Docket No.: 3103.05WOUS
For: METHOD AND APPARATUS FOR DERIVING A CALIBRATION FILTER FOR ELECTROMAGNETIC DATA

DECISION

This decision is issued in response to applicant's "Request for Corrected Filing Receipt and Notice of Acceptance" filed on 22 August 2008. The request is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 03 October 2006, applicant filed a Transmittal Letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, *among others*, the requisite basic national fee; a preliminary amendment, and an information disclosure statement.

On 02 May 2008, applicant filed an executed declaration of inventorship.

On 07 August 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903) which set forth the date of receipt 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 03 October 2006 and a 35 U.S.C. 371 completion date of 03 October 2006.

On 22 August 2008, applicant filed "Request for Corrected Filing Receipt and Notice of Acceptance."

DISCUSSION

Applicant requests a corrected filing date (or 371(c) date) from 03 October 2006 to 16 November 2006. The actual filing date of the present application is the international

filing date, i.e., 01 April 2005. (See 35 U.S.C. 363) The date in the filing date portion on the filing receipt of a national stage application is the date upon which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed. (See Manual of Patent Examining Procedure §1895.01)

Applicant states that the declaration/power of attorney was received at the United States Patent and Trademark Office on 16 November 2006. A review of the present application reveals that the declaration/power of attorney filed 16 November 2006 is not located therein. The best evidence of what was actually received by the Office is a postcard receipt containing a specific itemization of all the items being submitted. (See Manual of Patent Examining Procedure §503.) Here, applicant has provided a copy of their date-stamped filing receipt. The receipt itemizes, *among others*, a declaration/power of attorney. The receipt is stamped "Rec'd PCT/PTO 16 Nov 2006" across its face and is sufficient to indicate that the declaration/power of attorney was in fact received in the Office on 16 November 2006. Thus, the application met the requirements of 35 U.S.C. 371(c) and thus entered the national stage in the United States on 16 November 2006. Therefore, applicant's request to correct the Filing Receipt and Notice of Acceptance is granted.

Additionally, applicant requests that this application properly acknowledge the claim to foreign priority, Great Britain (GB) application number 04076972.2, filed 03 April 2004, on the Official Filing Receipt. In accordance with section 1893.03(c) Manual of Patent Examining Procedure, it is appropriate to identify Great Britain (GB) application number 04076972.2 (03 April 2004) under "Foreign Applications" on the Official Filing Receipt.

CONCLUSION

Applicant's request under 37 CFR 1.181 for issuance of a corrected Notification of Acceptance and Official Filing Receipt is **GRANTED**.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) mailed on 07 August 2008 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for mailing of a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) which identifies a date of 16 November 2006 under 35 U.S.C. 371(c) and preparation and mailing of a corrected Filing Receipt in accordance with this decision, that is a filing receipt that identifies a 35 U.S.C. 371(c) date of 16 November 2006.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

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CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

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SEP 30 2009

OFFICE OF PETITIONS

In re Application of :
Rosten, et al. :
Application No. 11/547,378 : ON APPLICATION FOR
Filed: October 3, 2006 : PATENT TERM ADJUSTMENT
Atty Docket No. 3103.05WOUS :
:
:

This is a decision on the "PATENT TERM ADJUSTMENT LETTER OF CANDOR AND GOOD FAITH," filed June 9, 2009, which is properly treated as a petition under 37 CFR 1.705(b). Applicants request that the initial Determination of Patent Term Adjustment under 35 U.S.C. 154(b) be corrected from one hundred twelve (112) days to four hundred thirty-two (432) days.

The application for patent term adjustment is **GRANTED.**

The Office has updated the PAIR screen to reflect that the correct patent term adjustment determination at the time of the mailing of the notice of allowance is **four hundred thirty-two days.** A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On March 23, 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 112 days. Applicant timely filed the instant application for patent term adjustment.

Applicant disputes the adjustment to the patent term of 112 days for Office delay in mailing a least one notification under 35 U.S.C. 132 or a notice of allowance not later than fourteen months after the date on which this application fulfilled the requirements of 35 U.S.C. 371. Applicants assert that the patent term should be adjusted by 432 days pursuant to 37 CFR 1.702(a)(1) and 37 CFR 1.703(a)(1). Specifically, applicants state that:

> The current application is an international application that claims priority to an earlier filed national application from Great Britain, filed April 3, 2004. The international application was filed on April 1, 2005. While the U.S. Application was first filed on October 3, 2006, the declaration of the inventors was not filed until November 16, 2006 and, therefore, papers fulfilling the requirements of 35 U.S.C. § 371 did not occur until this date. Additionally, the first substantive action received in this case was the notice of allowance which was mailed on March 23, 2009, or 432 days beyond the 14-month deadline mentioned above.

Excerpt taken from "Patent Term Adjustment Letter of Candor and Good Faith", filed June 9, 2009, pgs. 1-2.

Applicant's argument is well taken. On August 22, 2008, applicant filed a request for corrected filing receipt and notice of acceptance. That request was referred to the Office of PCT Legal and by decision mailed September 30, 2009, the request was granted to accord the application a 371(c) completion date of November 16, 2006. Thus, the date of completion of all 35 U.S.C. 371 requirements and the date from which the patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)(II) and 37 CFR 1.702(a)(1) is calculated is November 16, 2006.

Further, 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[.]

In this instance, applicant is correct the adjustment to the patent term is 432 days, beginning on the day after the date that is fourteen months after the date on which the application fulfilled the requirements of 35 U.S.C. 371—January 17, 2008—and ending on the date of mailing of the notice of allowance—March 23, 2009.
Accordingly, the period of adjustment of 112 days is being removed and the period of adjustment of 432 days is being entered.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is 432 days (432 days of Office delay - 0 days of applicant delay).

The $200.00 fee set forth in 37 CFR 1.18(e) is being charged as authorized. No additional fees are required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PAIR Screen

Day : Wednesday

PALM INTRANET

Date: 9/30/2009
Time: 09:47:54

PTA Calculations for Application: 11/547378			
Application Filing Date:	10/03/2006	PTO Delay (PTO):	112
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	432
PTO Delay Adjustment:	320		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
36	09/30/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		112	
35	09/30/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	432		
23	03/23/2009	MAIL NOTICE OF ALLOWANCE	112		7
22	03/19/2009	ISSUE REVISION COMPLETED			
21	03/19/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
20	03/19/2009	DOCUMENT VERIFICATION			
19	03/16/2009	EXAMINER'S AMENDMENT COMMUNICATION			
18	03/16/2009	NOTICE OF ALLOWABILITY			
12	02/17/2009	CASE DOCKETED TO EXAMINER IN GAU			
11	02/03/2009	CASE DOCKETED TO EXAMINER IN GAU			
9	11/13/2008	PG-PUB ISSUE NOTIFICATION			
8	09/10/2008	APPLICATION DISPATCHED FROM OIPE			
7	10/01/2007	371 COMPLETION DATE			
6	08/07/2008	SENT TO CLASSIFICATION CONTRACTOR			
5	08/07/2008	FILING RECEIPT			
4	08/07/2008	NOTICE OF DO/EO ACCEPTANCE MAILED			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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YOUNG & THOMPSON
209 MADISON STREET
SUITE 500
ALEXANDRIA VA 22314

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DEC 23 2008

OFFICE OF PETITIONS

In re Application of	:	
Kajino et al.	:	
Application No. 11/547,393	:	DECISION ON PETITION
Filed: September 29, 2006	:	
Attorney Docket No. 8097-1007	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 20, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 17, 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 June 18, 2008. A Notice of Abandonment was mailed October 1, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $1,620.00, and (3) an adequate 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 1794 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

0 8 NOV 2007

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SUGHRUE MION, PLLC
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SUITE 800
WASHINGTON DC 20037

In re Application of: TAKAHAT, Koji
U.S. Application No.: 11/547,394
PCT Application No.: PCT/JP2004/019023
International Filing Date: 20 December 2004
Priority Date: 29 March 2004
Attorney's Docket No.: Q96719
For: SOUND QUALITY ADJUSTMENT DEVICE

DECISION ON PETITION
(37 CFR 1.182)

This decision is issued in response to applicant's "Petition Under 37 CFR 1.182" filed 05 November 2007, which seeks to correct the international application number on the national stage application papers filed 29 September 2006 so as to allow such materials to be treated as the U.S national stage of PCT/JP2004/019203. Deposit Account No. 19-4880 will be charged the required $400 petition fee.

BACKGROUND

On 20 December 2004, applicant filed international application PCT/JP2004/019023. The international application claimed a priority date of 29 March 2004, and it designated the United States. On 06 October 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 29 September 2006.

On 29 September 2006, applicants filed papers to initiate a U.S. national stage application. This submission included, among other materials, a Transmittal Letter (Form PTO-1390), a preliminary amendment, a translation of the international application into English, an Information Disclosure Statement (IDS), an executed declaration, a copy of an International Search Report (ISR), and payment of the basic national fee.

The Transmittal Letter, Preliminary Amendment, and the IDS filed 29 September 2006 all referred to international application PCT/JP2005/019023. However, the declaration included a priority claim directed to PCT/JP2004/019023, and the ISR also referred to international application PCT/JP2004/019023.

On 05 November 2007, applicants filed the "Petition Under 37 CFR 1.182" considered herein, with accompanying materials, to correct the discrepancy in the international application number referred to in the national stage papers filed 29 September 2006.

DISCUSSION

As noted above, the Transmittal Letter filed 29 September 2006 incorrectly identified the international application to which the submission was directed. Based on this error, the submission was established in the USPTO as the U.S. national stage of the listed application, that is, PCT/JP2005/019023. Correction of this error is required before the materials filed 29 September 2006 can be treated as having been directed to international application PCT/JP2004/019023, as necessary to avoid abandonment of such international application with respect to the United States.

In the present petition, applicant confirms that the listing of international application PCT/JP2005/019023 in the Transmittal Letter and accompanying materials filed 29 September 2006 was the result of a typographical error, and that the correct international application to which these materials were intended to be directed is PCT/JP2004/019023. The petition also notes that the correct international application number was listed on the declaration filed 29 September 2006, and it is accompanied by payment of the required petition fee.

The present submission satisfies the requirements for a grantable petition to correct the typographical errors in the application materials filed 29 September 2006 so as to permit such materials to be treated as having been directed to international application PCT/JP2004/019023. Based on this correction, such materials, including the basic national fee, are treated as having been filed prior to the expiration of thirty months from the priority date of PCT/JP2004/019023.

It is noted that the presence of the correct international application number within the papers filed 26 September 2006 permits granting of the present petition; however, this does not alleviate the necessity for the petition. The present petition is necessary to correct the typographical errors in applicant's original submission so as to permit the submission to be treated as the U.S. national stage of the desired international application, thereby avoiding abandonment of international application PCT/JP2004/019023. Accordingly, the requested refund of the petition fee required for the present petition is appropriately dismissed.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to have the national stage application materials filed 29 September 2006 treated as the national stage of international application PCT/JP2004/019023 is **GRANTED**.

Deposit Account No. 19-4880 will be charged the required $400 petition fee.

The present application, U.S. application number 11/547,394, will be treated as the national stage of PCT/JP2004/019023.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including updating USPTO records to indicate that the present application is the U.S. national stage of PCT/JP2004/019203.

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Attorney Advisor
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0 8 NOV 2007

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of: TAKAHAT, Koji
U.S. Application No.: 11/547,394
PCT Application No.: PCT/JP2004/019023
International Filing Date: 20 December 2004
Priority Date: 29 March 2004
Attorney's Docket No.: Q96719
For: SOUND QUALITY ADJUSTMENT DEVICE

DECISION ON PETITION
(37 CFR 1.182)

This decision is issued in response to applicant's "Petition Under 37 CFR 1.182" filed 05 November 2007, which seeks to correct the international application number on the national stage application papers filed 29 September 2006 so as to allow such materials to be treated as the U.S national stage of PCT/JP2004/019203. Deposit Account No. 19-4880 will be charged the required $400 petition fee.

BACKGROUND

On 20 December 2004, applicant filed international application PCT/JP2004/019023. The international application claimed a priority date of 29 March 2004, and it designated the United States. On 06 October 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 29 September 2006.

On 29 September 2006, applicants filed papers to initiate a U.S. national stage application. This submission included, among other materials, a Transmittal Letter (Form PTO-1390), a preliminary amendment, a translation of the international application into English, an Information Disclosure Statement (IDS), an executed declaration, a copy of an International Search Report (ISR), and payment of the basic national fee.

The Transmittal Letter, Preliminary Amendment, and the IDS filed 29 September 2006 all referred to international application PCT/JP2005/019023. However, the declaration included a priority claim directed to PCT/JP2004/019023, and the ISR also referred to international application PCT/JP2004/019023.

On 05 November 2007, applicants filed the "Petition Under 37 CFR 1.182" considered herein, with accompanying materials, to correct the discrepancy in the international application number referred to in the national stage papers filed 29 September 2006.

DISCUSSION

As noted above, the Transmittal Letter filed 29 September 2006 incorrectly identified the international application to which the submission was directed. Based on this error, the submission was established in the USPTO as the U.S. national stage of the listed application, that is, PCT/JP2005/019023. Correction of this error is required before the materials filed 29 September 2006 can be treated as having been directed to international application PCT/JP2004/019023, as necessary to avoid abandonment of such international application with respect to the United States.

In the present petition, applicant confirms that the listing of international application PCT/JP2005/019023 in the Transmittal Letter and accompanying materials filed 29 September 2006 was the result of a typographical error, and that the correct international application to which these materials were intended to be directed is PCT/JP2004/019023. The petition also notes that the correct international application number was listed on the declaration filed 29 September 2006, and it is accompanied by payment of the required petition fee.

The present submission satisfies the requirements for a grantable petition to correct the typographical errors in the application materials filed 29 September 2006 so as to permit such materials to be treated as having been directed to international application PCT/JP2004/019023. Based on this correction, such materials, including the basic national fee, are treated as having been filed prior to the expiration of thirty months from the priority date of PCT/JP2004/019023.

It is noted that the presence of the correct international application number within the papers filed 26 September 2006 permits granting of the present petition; however, this does not alleviate the necessity for the petition. The present petition is necessary to correct the typographical errors in applicant's original submission so as to permit the submission to be treated as the U.S. national stage of the desired international application, thereby avoiding abandonment of international application PCT/JP2004/019023. Accordingly, the requested refund of the petition fee required for the present petition is appropriately dismissed.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to have the national stage application materials filed 29 September 2006 treated as the national stage of international application PCT/JP2004/019023 is **GRANTED**.

Deposit Account No. 19-4880 will be charged the required $400 petition fee.

The present application, U.S. application number 11/547,394, will be treated as the national stage of PCT/JP2004/019023.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including updating USPTO records to indicate that the present application is the U.S. national stage of PCT/JP2004/019203.

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TECHNOLOGY CENTER 2600

WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON DC 20006

In re Application of
SHOJI, MAMORU, et al.
Application No. 11/547,398
Filed: October 02, 2006
Attorney Docket No. 2006_1555A

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 January 15, 2009, 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

0 7 JUL 2008

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WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON MA 02109

In re Application of	:	
SMITH et al.	:	DECISION
Application No.: 11/547,409	:	
PCT No.: PCT/AU2005/000471	:	
Int. Filing Date: 01 April 2005	:	
Priority Date: 02 April 2004	:	
Attorney's Docket No.: GRIF-007XX	:	
For: A PREFORM FOR AN OPTICAL FIBER	:	

This decision is in response to applicants' "PETITION UNDER 37 CFR 1.182 TO CHANGE INVENTOR'S NAME DUE TO CLERICAL ERROR" filed 12 March 2008.

BACKGROUND

On 01 April 2005, applicants filed international application PCT/AU2005/000471 which designated the U.S. and claimed a priority date of 02 April 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 13 October 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 October 2006.

On 02 October 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee.

On 12 March 2008, applicants filed the instant petition under 37 CFR 1.182 along with, *inter alia*, a declaration of inventors.

DISCUSSION

The declaration of inventors submitted 12 March 2008 does not comply with 37 CFR 1.497(a)-(b) because it does not list the correct inventorship. There is a difference in names in the first-named inventor between the published international application (Gregory Burton Smith) and the declaration of the inventors (Geoffrey Burton Smith). Because this difference in names is more than a mere typographical error, a transliteration error, or a phonetic misspelling of

applicant's legal name, a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition must be accompanied by the requisite petition fee of $400 as well as a statement from the inventor.

The petition fee is $400 rather than $130. See 37 CFR 1.17(f). The balance has been charged to Deposit Account 230804. Although the petition fee has been provided, a statement from the inventor Mr. Smith has not been provided.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS form the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

11 MAY 2009

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TEN POST OFFICE SQUARE
BOSTON MA 02109

In re Application of	:	
SMITH et al.	:	DECISION
Application No.: 11/547,409	:	
PCT No.: PCT/AU2005/000471	:	
Int. Filing Date: 01 April 2005	:	
Priority Date: 02 April 2004	:	
Attorney's Docket No.: GRIF-007XX	:	
For: A PREFORM FOR AN OPTICAL FIBER	:	

This decision is in response to applicants' "RENEWED PETITION UNDER 37 CFR 1.182 TO CHANGE INVENTOR'S NAME DUE TO CLERICAL ERROR" filed 07 November 2008.

BACKGROUND

On 01 April 2005, applicants filed international application PCT/AU2005/000471 which designated the U.S. and claimed a priority date of 02 April 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 13 October 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 October 2006.

On 02 October 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee.

On 12 March 2008, applicants filed a petition under 37 CFR 1.182 along with, *inter alia*, a declaration of inventors.

On 07 July 2008, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.182. Specifically, it was noted that a statement from the inventor had not been provided.

On 07 November 2008, applicants filed the instant renewed petition which was accompanied by a petition/fee for a two-month extension of time and a statement from the inventor.

DISCUSSION

The petition fee has been paid. The statement of Geoffrey Burton Smith filed 07 November 2008 is accepted. The declaration of inventors filed 12 March 2008 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 5400
SEATTLE WA 98104-7092

MAILED

MAY 06 2010

OFFICE OF PETITIONS

In re Application of	:	
Burdenski et al.	:	
Application No. 11/547416	:	
Filing or 371(c) Date: 09/28/2006	:	
Attorney Docket Number:	:	
853563.433USPC	:	ON PETITION

This is a decision on the "Petition To Withdraw Holding of Abandonment Under 37 CFR § 1.181," filed January 22, 2010.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office Action, mailed December 10, 2008. The Office action set a three (3) month period for reply. No reply having been received, the application became abandoned on March 11, 2009. A Notice of Abandonment was mailed December 2, 2009.

With the present petition, Applicant has demonstrated non-receipt of the Office action by a preponderance of the evidence. Applicant has also filed a response to the Office action.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn. No petition fee has been charged and none is due.

The application will be referred to the Technology Center Art Unit 2838, for processing of the response, and for continued examination in due course..

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions

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15 NOV 2006

Thomas K. Scherer
Osha Liang LLP
1221 McKinney, Suite 2800
Houston, Texas 77010

In re Application of: Mafune et al.
Application No.: 11/547,426
PCT Application No.: PCT/JP04/16639
Int. Filing Date: 10 November 2004
Priority Date Claimed: 10 November 2003
Attorney Docket No.: 15115/241001
For: Processing Device and Object Detection Device

: DECISION ON PETITION
: UNDER 37 CFR 1.137(b)

This is in response to Applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b)" filed 29 September 2006.

BACKGROUND

On 10 November 2004, Applicant filed international application PCT/JP04/16639, which claimed a priority of an earlier application from Japan filed on 10 November 2003. The thirty-month period for paying the basic national fee in the United States expired at midnight on 10 May 2006.

International application PCT/JP04/16639 became abandoned as to the United States for failure to timely pay the basic national fee.

On 29 September 2006, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) the required reply, (2) the petition 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 was unintentional, and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

With regard to Item (1), applicant has provided the required reply under 35 U.S.C. 371, as the $300 basic national filing fee has been received.

With regard to Item (2), the appropriate petition fee of $1500 as required by 37 CFR 1.17(m) has been paid.

With regard to Item (3), Applicant's statement that "[t]he 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" has been satisfied.

With regard to Item (4), a terminal disclaimer is not required since this application was filed after 08 June 1995.

It is noted that he declaration filed 29 September 2006 appears to be a composite declaration formed from separately executed declarations. Note two "page 4 of 4." "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration." See MPEP 201.03 at page 200-7.

CONCLUSION

For the reasons above, the petition to revive the international application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America, and will be processed, under 35 U.S.C. 371, as application number **11/547,426**.

Application number **11/547,426** is being forwarded to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring a new oath or declaration in compliance with 37 CFR 1.497.

Peter B. Kim
PCT Legal Administration Detailee
Telephone: 571-272-6095
Facsimile: 571-273-0459

Boris Milef
Legal Examiner
Office of PCT Legal Administration

01 DEC 2008

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25944
OLIFF & BERRIDGE, PLC
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Alexandria, VA 22320-4850

In re Application of :
FURUSAWA *et al* :
U.S. Application No.: 11/547,445 :
PCT No.: PCT/JP2005/017800 : **DECISION**
Int. Filing Date: 28 September 2005 :
Priority Date: 30 September 2004 :
Attorney's Docket No.: 129668 :
For: BLOW MOLDED CONTAINERS :

This is a decision on the papers filed on 24 September 2008 which are treated as a petition under 37 CFR 1.181. No fee is required.

BACKGROUND

On 05 October 2006, applicants filed papers to enter the national stage of PCT/JP2005/017800.

On 06 November 2006, applicants purportedly filed an executed declaration. These papers were not located in the subject application.

On 19 January 2007, applicants filed seven sheets of replacement drawings.

On 01 August 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an English translation, processing fee, oath or declaration and surcharge fee were required.

On 14 August 2008, applicants filed a response to the Form PCT/DO/EO/905 which was accompanied by, *inter alia,* copies of documents purportedly filed 06 November 2008 and 19 January 2007 and date-stamped postcard receipts for the aforementioned documents and authorization to charge any required fees to Deposit Account No. 15-0461.

On 03 September 2008, the DO/EO/US mailed a filing receipt and a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) indicating a date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and "Filing or 371(c) Date" of 14 August 2008.

On 24 September 2008, applicants filed the subject petition which was

accompanied by, *inter alia*, a request for refund of the surcharge and processing fee charged on 14 August 2008 and copies of the documents purportedly filed 06 November 2006 and 19 January 2007 along with date-stamped postcard receipts for the aforementioned documents.

DISCUSSION

Applicants claim that an executed declaration was submitted on 06 November 2006 and replacement drawings were provided on 19 January 2007 in the above-captioned application. Applicants also request a refund of the surcharge and processing fees as all national phase filing requirements were filed prior to the thirty-month expiration date of 30 March 2007.

A review of the file shows that the replacement drawings were located in the file and received on 19 January 2007. The replacement drawings contain no foreign language text. However, there is no record that a declaration was filed on 06 November 2006.

MPEP § 503 lists procedures to ensure receipt of any paper filed in the USPTO. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

In this case, applicants provided a copy of the date-stamped postcard receipt for the documents submitted 06 November 2006. The postcard receipt records that among the papers filed included a "Sub Dec; Dec." The postcard receipt is stamped "OIPE NOV 06 2006" across its face. The title, applicant and attorney docket number were listed on the postcard receipt.

Accordingly, applicants have provided *prima facie* evidence that a declaration was originally received in the above-captioned application on 06 November 2006.

DECISION

Applicants' petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/903 and filing receipt mailed 03 September 2008 are hereby **VACATED**.

Applicants' request for refund of the surcharge and processing fees are also **GRANTED**.

The $260.00 in fees have been credited to Deposit Account No. 15-0461.

11/547,445

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing including mailing a corrected Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) Indicating a date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and date of completion of all 35 U.S.C. 371 requirements of 19 January 2007. A new filing receipt indicating a "Filing or 371(c) Date" of 19 January 2007 is also requested.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

29 JUN 2009

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ALEXANDRIA VA 22320-4850

In re Application of :
Omata et al. :
Application No.: 11/547,446 :
PCT No.: PCT/JP2004/018577 :
Int. Filing Date: 13 December 2004 :
Priority Date: 07 April 2004 : DECISION
Attorney Docket No.: 129677 :
For: Operating Frequency Selection Method For Hardness Measurement System, Operating Frequency Selection Apparatus, And Hardness... :

This is in response to the "Request For Correction Of PALM Records" filed on 12 February 2009 (and that filed on 08 October 2008).

BACKGROUND

This international application was filed on 13 December 2004, claimed an earlier priority date of 07 April 2004, and designated the U.S. The International Bureau communicated a copy of the published international application to the USPTO on 27 October 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 07 October 2006. Applicants filed *inter alia* the basic national fee on 05 October 2006.

On 18 April 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an executed oath or declaration compliant with 37 CFR 1.497(a) and (b).

On 30 April 2007, applicants filed a response.

On 18 July 2007, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) reflecting a 35 U.S.C. 371(c)(1), (2) and (4) date of "04/30/2007" were mailed to applicants.

DISCUSSION

Petitioner states (in part) that

> The 35 U.S.C. 371 requirements were completed on the filing date of this application, November 1, 2006. A copy of the date-stamped Patent Office Acknowledgement Receipt is attached hereto.

The accompanying copy of said receipt itemizes a $130.00 check, a "PCT Trans," a "Declaration," a "Gen. POA" and a "copy of Assign." MPEP 503 explains (in part) that

> A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Petitioner states that "A copy of the executed Declaration as filed, a copy of the Transmittal Letter and a copy of the stamped postcard receipt are attached hereto," but no accompanying copy of the declaration or assignment is present in the electronic application file (as filed on 12 February 2009). However, further review of the record reveals that the original response filed on 30 April 2007 characterizes the declaration filed on 30 April 2007 as a copy of the declaration filed on 01 November 2006, and references "a copy of the stamped postcard receipt." Said postcard receipt itemizes *inter alia* the declaration and is stamped as received by the USPTO on "NOV 01 2006." Following the policy described at MPEP 503, it would be appropriate to regard the declaration filed on 30 April 2007 as a copy of the declaration originally filed on 01 November 2006 and itemized on the postcard receipt.

Inspection of said declaration reveals that it does not comply with 37 CFR 1.69(b); accordingly, it would not be appropriate to accept the declaration at this time. Petitioner should provide (if appropriate) a statement that the translation of the dual language declaration is accurate. Since the Filing Receipt and Notice of Acceptance mailed on 18 July 2007 reflect an incorrect date, both are hereby **VACATED**.

DECISION

The petition is **DISMISSED**, as described above, 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. Extensions of time may be obtained under 37 CFR 1.136(a). Petitioner is required to file the statement required by 37 CFR 1.69(b). Failure to timely reply will result in **ABANDONMENT**,

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

14 NOV 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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www.uspto.gov

HENSLEY KIM & EDGINGTON, LLC
1660 Lincoln Street
Suite 3050
Denver, CO 80264-3103

In re Application of :
SAVARY, Etienne *et al* :
U.S. Application No.: 11/547,455 :
PCT No.: PCT/CH2003/000786 :
Int. Filing Date: 28 November 2003 :
Priority Date: None :
Attorney Docket No.: 356-040-USP :
For: SEALED ELECTRO-TECHNICAL DEVICE COMPRISING TWO SEALING JOINTS AND METHOD THEREFOR :

DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 04 October 2006 is hereby **GRANTED** as follows:

The basic national fee and the petition fee for a small entity have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration in compliance with 37 CFR 1.497(a) and (b) was provided. The surcharge fee of $65.00 pursuant to 37 CFR 1.492(h) has been charged to Deposit Account No. 50-3199 as authorized.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 28 November 2003, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 04 October 2006.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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Maxwell Technologies, Inc. (OPLF)
9244 Balboa Avenue
San Diego, CA 92123

Mail Date: 04/20/2010

Applicant	: Etienne Savary	: DECISION ON REQUEST FOR
Patent Number	: 7576972	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/547,455	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/04/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **316** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

2 1 APR 2009

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

In re Application of	:	
Verding	:	
Application No. 11/547,496	:	
PCT No.: PCT/EP2005/051096	:	
Int. Filing Date: 10 March 2005	:	DECISION
Eff. Priority Date: 02 April 2004	:	
Atty. Docket No.: 2004P02417WOUS	:	
For: Plug-In Adapter	:	

This is in response to the declaration of the inventors filed on 27 October 2008, which is being treated under 37 CFR 1.42.

BACKGROUND

This international application was filed on 10 March 2005, claimed an earlier priority date of 02 April 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 13 October 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 02 October 2006. Applicants filed, *inter alia*, the basic national fee on 02 October 2006.

On 01 August 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

Counsel has submitted "a Declaration signed by the sole heir by law of the deceased inventor (Markus Verding)." 37 CFR 1.42 provides in part that

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Meanwhile, 37 CFR 1.497(b)(2), as amended effective 08 September 2000, provides that

> If the person making the oath or declaration is not the inventor (§§ 1.42, 1.43 or 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.

The declaration is signed on behalf of deceased inventor Markus Verding by Rosemarie Angela Verding in the capacity of "(sole heir) Legal Representative." The Declaration provides citizenship, residential and postal address information for both the deceased inventor and his legal representative. This declaration is accepted under 37 CFR 1.42 for purposes of compliance with 1.497(a) and (b)

DECISION

The declaration filed on 27 October 2008 is **ACCEPTED** under 37 CFR 1.42. The declaration is accepted for purposes of compliance with 37 CFR 1.497(a) and (b).

This application is being forwarded to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **27 October 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/547,513	10/02/2006	Hiroaki Asahi	Q96909	3050

23373 7590 01/26/2010

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
NGUYEN, HUNG D

ART UNIT	PAPER NUMBER
3742	

NOTIFICATION DATE	DELIVERY MODE
01/26/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

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Alexandria, VA 22313-1450
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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of:
ASAHI, HIROAKI et al
Serial No.: 11/547,513
Filed: Oct. 2, 2006
Docket: Q96909
Title: DROPPING MODEL ELECTROSTATIC LEVITATION FURNACE

DECISION ON PETITION

This is a decision on the petition filed on January 16, 2010 seeking withdrawal of the finality of the Office action mailed November 17, 2009. This petition is being considered pursuant to 37 CFR §1.181. No fee is required.

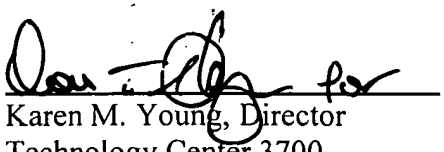
The petition is granted.

It is noted that the record shows that at least claim 1 was not amended in the amendment filed on July 29, 2009. Therefore, the rejection of at least claim 1 was not necessitated by the amendment filed on July 29, 2009. As such, the finality of the Office actions issued on November 17, 2009 is premature and thus the finality of the action is hereby withdrawn. The Office action mailed on November 17, 2009 will be designated as non-final Office action. The period to respond to the Office action of November 17, 2009 remains unchanged. Since the finality is being withdrawn, an amendment responding to the Office action will be treated as a 37 CFR § 1.111 amendment.

In finding petitioner's points of argument persuasive, the requested relief is granted. The finality of the last Office action mailed November 17, 2009 is hereby withdrawn. The requested relief is granted.

Any questions regarding this decision should be directed to Special Program Examiner, Henry Yuen, at 571-272-4856.

Accordingly, the petition is **granted**.



Karen M. Young, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

24 NOV 2008

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P.O. Box 1450
Alexandria, VA 22313-1450
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MERCHANT & GOULD
PO Box 2903
Minneapolis, MN 55402-0903

In re Application of: BUNCE , Phillip
U.S. Application No.: 11/547,514
PCT No.: PCT/AU2005/000433
International Filing Date: 24 March 2005
Priority Date: 31 March 2004
Attorney's Docket No.: 03955.0161USWO
For: WORK HEAD

DECISION ON PETITION UNDER 37 CFR 1.47(b)

This decision is issued in response to the "Petition Under Rule 1.47(b)" filed 19 September 2008. The required petition fee of $200 has been paid.

BACKGROUND

On 24 March 2005, applicant filed international application PCT/AU2005/000433. The application claimed a priority date of 31 March 2004, and it designated the United States. On 13 October 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 30 September 2006.

On 29 September 2006, above-named counsel filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 21 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date were required.

On 19 September 2008, petitioner filed a response to the Notification Of Missing Requirements. The response included payment of the required surcharge and the petition considered herein. The petition seeks acceptance of the application without the signature of the sole inventor, whom petitioner states has refused to execute the application papers.

DISCUSSION

A grantable petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) factual proof that the inventor refuses to execute the application or cannot be

reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor; (5) proof of proprietary interest in the application: and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages.

Regarding item (1), petitioner has been charged the required $200 petition fee. Item (1) is therefore satisfied.

Regarding item (2), where it is asserted that the inventor has refused to execute the application papers, section 409.03(d) of the MPEP states that a "copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made." Among the materials submitted here, petitioner has provided a firsthand statement from Errol John Harwood indicating that a request for signature, accompanied by a copy of the complete application, was forwarded to the attorney for the non-signing inventor, and that the requested signature was not provided in response to this request. In addition, petitioner has provided a firsthand statement from Dermot Patrick Patterson regarding a subsequent meeting with the inventor's attorney. According to Mr. Patterson, this meeting confirmed his understanding that the non-signing inventor was refusing to execute the application documents. The present provides an acceptable showing that the non-signing inventor has refused to execute the application documents herein. Item (2) is therefore satisfied.

Regarding item (3), the petition includes an express statement of the last known address of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), the petition is accompanied by a declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor (the declaration provided is unsigned). Item (4) is therefore satisfied.

Regarding item (5), the 37 CFR 1.47(b) applicant Eastland Medical Systems, Ltd. (Eastland) asserts proprietary interest in the present application based on applicable Australian law. Section 409.03(f) of the MPEP states the following:

> A proprietary interest obtained other than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

The present petition includes a legal memorandum concluding that Eastland is entitled to ownership of the present application. However, the legal memorandum is not signed and therefore cannot be considered herein. Applicant must submit a revised legal memorandum that has been properly executed by an attorney familiar with the applicable laws, in compliance with the MPEP provision quoted above, before the arguments contained in the legal memorandum may be considered.

With respect to petitioner's arguments regarding the inventor's contractual obligations to Eastland, section 409.03(f) of the MPEP states the following:

> When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. **When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.**

Petitioner here has not provided a statement of a person having firsthand knowledge of the facts confirming that the invention underlying the present application was made by the inventor during the course of his employment and that the present invention falls within the scope of the employment agreement materials provided.

Based on the above, petitioner has not provided an adequate showing of a proprietary interest in the present application. Item (5) is therefore satisfied on the present record.

Regarding item (6), the petition includes the required express statement that granting of the present petition is necessary to preserve the rights of the 37 CFR 1.47(b) applicant. Item (6) is therefore satisfied.

Based on the above, petitioner has failed to satisfy all the requirements for a grantable petition.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)" and must include the materials required to satisfy item (5) of a grantable petition, as discussed above and in the applicable sections of the MPEP.

Failure to provide a proper and timely response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

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
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Telephone: (571) 272-3296
Facsimile: (571) 273- 0459

UNITED STATES PATENT AND TRADEMARK OFFICE

24 NOV 2008

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United States Patent and Trademark Office
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BHB

Req for Reconsideration
2mo: Jan 24, 09
Stat: May 24, 09

MERCHANT & GOULD
PO Box 2903
Minneapolis, MN 55402-0903

In re Application of: BUNCE , Phillip
U.S. Application No.: 11/547,514
PCT No.: PCT/AU2005/000433
International Filing Date: 24 March 2005
Priority Date: 31 March 2004
Attorney's Docket No.: 03955.0161USWO
For: WORK HEAD

DECISION ON PETITION UNDER 37 CFR 1.47(b)

This decision is issued in response to the "Petition Under Rule 1.47(b)" filed 19 September 2008. The required petition fee of $200 has been paid.

BACKGROUND

On 24 March 2005, applicant filed international application PCT/AU2005/000433. The application claimed a priority date of 31 March 2004, and it designated the United States. On 13 October 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 30 September 2006.

On 29 September 2006, above-named counsel filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 21 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date were required.

On 19 September 2008, petitioner filed a response to the Notification Of Missing Requirements. The response included payment of the required surcharge and the petition considered herein. The petition seeks acceptance of the application without the signature of the sole inventor, whom petitioner states has refused to execute the application papers.

DISCUSSION

A grantable petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) factual proof that the inventor refuses to execute the application or cannot be

reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor; (5) proof of proprietary interest in the application: and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages.

Regarding item (1), petitioner has been charged the required $200 petition fee. Item (1) is therefore satisfied.

Regarding item (2), where it is asserted that the inventor has refused to execute the application papers, section 409.03(d) of the MPEP states that a "copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made." Among the materials submitted here, petitioner has provided a firsthand statement from Errol John Harwood indicating that a request for signature, accompanied by a copy of the complete application, was forwarded to the attorney for the non-signing inventor, and that the requested signature was not provided in response to this request. In addition, petitioner has provided a firsthand statement from Dermot Patrick Patterson regarding a subsequent meeting with the inventor's attorney. According to Mr. Patterson, this meeting confirmed his understanding that the non-signing inventor was refusing to execute the application documents. The present provides an acceptable showing that the non-signing inventor has refused to execute the application documents herein. Item (2) is therefore satisfied.

Regarding item (3), the petition includes an express statement of the last known address of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), the petition is accompanied by a declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor (the declaration provided is unsigned). Item (4) is therefore satisfied.

Regarding item (5), the 37 CFR 1.47(b) applicant Eastland Medical Systems, Ltd. (Eastland) asserts proprietary interest in the present application based on applicable Australian law. Section 409.03(f) of the MPEP states the following:

> A proprietary interest obtained other than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

The present petition includes a legal memorandum concluding that Eastland is entitled to ownership of the present application. However, the legal memorandum is not signed and therefore cannot be considered herein. Applicant must submit a revised legal memorandum that has been properly executed by an attorney familiar with the applicable laws, in compliance with the MPEP provision quoted above, before the arguments contained in the legal memorandum may be considered.

With respect to petitioner's arguments regarding the inventor's contractual obligations to Eastland, section 409.03(f) of the MPEP states the following:

> When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. **When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.**

Petitioner here has not provided a statement of a person having firsthand knowledge of the facts confirming that the invention underlying the present application was made by the inventor during the course of his employment and that the present invention falls within the scope of the employment agreement materials provided.

Based on the above, petitioner has not provided an adequate showing of a proprietary interest in the present application. Item (5) is therefore satisfied on the present record.

Regarding item (6), the petition includes the required express statement that granting of the present petition is necessary to preserve the rights of the 37 CFR 1.47(b) applicant. Item (6) is therefore satisfied.

Based on the above, petitioner has failed to satisfy all the requirements for a grantable petition.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)" and must include the materials required to satisfy item (5) of a grantable petition, as discussed above and in the applicable sections of the MPEP.

Failure to provide a proper and timely response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

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
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Facsimile: (571) 273- 0459

UNITED STATES PATENT AND TRADEMARK OFFICE

21 APR 2009

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United States Patent and Trademark Office
P.O. Box 1450
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MERCHANT & GOULD
PO Box 2903
Minneapolis, MN 55402-0903

In re Application of: BUNCE , Phillip
U.S. Application No.: 11/547,514
PCT No.: PCT/AU2005/000433
International Filing Date: 24 March 2005
Priority Date: 31 March 2004
Attorney's Docket No.: 03955.0161USWO
For: WORK HEAD

DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(b)

This decision is issued in response to the "Renewed Petition Under 37 CFR 1.47(b)" filed 24 February 2009. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 24 November 2008. The decision dismissed without prejudice the petition under 37 CFR 1.47(b) for failure to satisfy all the requirements of a grantable petition. Specifically, petitioner had not provided an acceptable showing that the 37 CFR 1.47(b) applicant Eastland Medical Systems, Ltd. (Eastland) had the necessary proprietary interest in the present application.

On 24 February 2009, petitioner filed the renewed petition considered herein (with required one-month extension fee).

DISCUSSION

The renewed petition is accompanied by supplemental materials, including an executed copy of the previously filed legal memorandum from the Australian legal firm Tait & Co. The present submission, in combination with the previously filed materials, provides an acceptable showing that Eastland has the required proprietary interest in the present application. Petitioner has therefore satisfied the final requirement for a grantable petition under 37 CFR 1.47(b).

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is **GRANTED**. The application is accepted without the signature of non-signing inventor Phillip BUNCE.

A notice of the acceptance of the application under 37 CFR 1.47(b) will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 19 September 2008.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273- 0459

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

21 APR 2009

Mr. Phillip BUNCE
7 Beverly Street
Portland, Victoria 3305
AUSTRALIA

In re Application of: BUNCE , Phillip
U.S. Application No.: 11/547,514
PCT No.: PCT/AU2005/000433
International Filing Date: 24 March 2005
Priority Date: 31 March 2004
Attorney's Docket No.: 03955.0161USWO
For: WORK HEAD

Dear Mr. BUNCE:

You are identified as the sole inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an 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 to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney 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.

Richard M. Ross
Attorney Advisor
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ROTHWELL, FIGG, ERNST & MANBECK, P.C.
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SUITE 800
WASHINGTON DC 20005

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MAR 18 2010

In re Application of	:	
Slobodan Tepic, et al.	:	
Application No. 11/547,518	:	DECISION GRANTING PETITION
Filed: October 2, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2923-778	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, March 17, 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 4, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3738 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

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JUL 21 2010

OFFICE OF PETITIONS

In re Application of	:	
Yoshikazu Aoki, et al.	:	
Application No. 11/547,524	:	DECISION GRANTING PETITION
Filed: September 27, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 297123US0PCT	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, July 20, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 22, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1626 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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1616 S. VOSS ROAD, SUITE 750
HOUSTON TX 77057-2631

In re Application of :
Lucidarme et al. :
Application No.: 11/547,536 :
PCT No.: PCT/EP05/05336 :
Int. Filing Date: 17 May 2005 : DECISION
Priority Date: 07 June 2004 :
Attorney Docket No.: NRF.0018US :
For: Method For Estimating The Symbols Of A Digital :
Signal And Receiver For Implementing Said Method:

This is in response to the correspondence filed on 13 August 2007.

BACKGROUND

This international application was filed on 17 May 2005, claimed an earlier priority date of 07 June 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 29 December 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 07 December 2006. Applicant filed *inter alia* the basic national fee on 29 September 2006.

On 07 June 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant, requiring the submission of an English translation of the international application and the processing fee under 37 CFR 1.492(i) (if submitted later than 30 months from the priority date).

DISCUSSION

The correspondence filed on 13 August 2007 included a declaration document nominating and signed by a single inventor, Nidham Ben Rached. However, both the published international application and the declaration under PCT Rule 4.17(iv), of record, also nominate Thierry Lucidarme. It is not clear whether counsel seeks to change the inventorship of this national stage application. If so, counsel is advised that a declaration filed under 37 CFR 1.497 (d) must be by the actual inventor or inventors as required under 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47. The declaration must be accompanied by (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part, (2) the processing fee set forth in 37 CFR 1.17; and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (*See* 37 CFR 3.73(b)). *See* Section 201.03 of the Manual of Patent Examining Procedure (M.P.E.P.).

Regarding requirement (1), applicants have not provided an appropriate statement.

Regarding requirement (2), the required processing fee has not been paid.

Regarding requirement (3), the published international application suggests that Nortel Networks Limited may enjoy an assignment interest in this application, but no written assent to a change in inventorship has been provided.

Copied from 10547536 on 09/12/2008

It is noted that the declaration under Rule 4.17(iv) appears to be defective in that it does not identify the international application to which it is directed, and in that it was signed by one inventor on "19/05/2005," later than the international filing date.

CONCLUSION

The declaration document filed on 13 August 2007 is **NOT ACCEPTED**, without prejudice.

Applicant is required to clarify whether a change in inventorship is sought, and to furnish an acceptable oath or declaration. A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT** of this application.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

George Dombroske
PCT Legal Examiner
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1616 S. VOSS ROAD, SUITE 750
HOUSTON TX 77057-2631

In re Application of :
Lucidarme et al. :
Application No.: 11/547,536 :
PCT No.: PCT/EP05/05336 :
Int. Filing Date: 17 May 2005 : DECISION
Priority Date: 07 June 2004 :
Attorney Docket No.: NRF.0018US :
For: Method For Estimating The Symbols Of A Digital :
Signal And Receiver For Implementing Said Method:

This is in response to the correspondence filed on 13 August 2007.

BACKGROUND

This international application was filed on 17 May 2005, claimed an earlier priority date of 07 June 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 29 December 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 07 December 2006. Applicant filed *inter alia* the basic national fee on 29 September 2006.

On 07 June 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant, requiring the submission of an English translation of the international application and the processing fee under 37 CFR 1.492(i) (if submitted later than 30 months from the priority date).

DISCUSSION

The correspondence filed on 13 August 2007 included a declaration document nominating and signed by a single inventor, Nidham Ben Rached. However, both the published international application and the declaration under PCT Rule 4.17(iv), of record, also nominate Thierry Lucidarme. It is not clear whether counsel seeks to change the inventorship of this national stage application. If so, counsel is advised that a declaration filed under 37 CFR 1.497 (d) must be by the actual inventor or inventors as required under 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47. The declaration must be accompanied by (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part, (2) the processing fee set forth in 37 CFR 1.17; and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (*See* 37 CFR 3.73(b)). *See* Section 201.03 of the Manual of Patent Examining Procedure (M.P.E.P.).

Regarding requirement (1), applicants have not provided an appropriate statement.

Regarding requirement (2), the required processing fee has not been paid.

Regarding requirement (3), the published international application suggests that Nortel Networks Limited may enjoy an assignment interest in this application, but no written assent to a change in inventorship has been provided.

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It is noted that the declaration under Rule 4.17(iv) appears to be defective in that it does not identify the international application to which it is directed, and in that it was signed by one inventor on "19/05/2005," later than the international filing date.

CONCLUSION

The declaration document filed on 13 August 2007 is **NOT ACCEPTED**, without prejudice.

Applicant is required to clarify whether a change in inventorship is sought, and to furnish an acceptable oath or declaration. A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT** of this application.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

George Dombroske
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Office of PCT Legal Administration
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24 JUL 2008

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1875 PENNSYLVANIA AVE., NW
WASHINGTON DC 20004

In re Application of	:	
SEMMES, Oliver John et al.	:	
Application No.: 11/547,540	:	DECISION
PCT No.: PCT/US2005/010575	:	
Int. Filing Date: 30 March 2005	:	ON REQUEST UNDER
Priority Date: 30 March 2004	:	
Attorney's Docket No.: 0113019.00192US2	:	37 CFR 1.497(d)
For: LUNG CANCER BIOMARKERS	:	

This decision is in response to request under 37 CFR 1.48(a), filed in the United States Patent and Trademark Office on 12 February 2008. It has been treated as a request under 37 CFR 1.497(a)-(b).

BACKGROUND

On 09 May 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 09 August 2007, applicant filed an oath or declaration and the surcharge in response to the Notification.

On 12 February 2008, applicant filed this request accompanied by a declaration of the inventors.

DISCUSSION

Applicant files this request to add William Rom, as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1), (2) and (3) have been satisfied. Applicants provided a statement by William Rom and the processing fee. The written consent of the assignee in compliance with 37 CFR 3.73 has been furnished.

However, the declaration of the inventors contains non-initialed alterations to the address of Mr. Rom. MPEP 605.04(a). A new oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

A proper response in the form of an oath or declaration in compliance with 37 CFR 1.497(a)-(b) must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
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11 NOV 2008

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WASHINGTON DC 20004

In re Application of :
SEMMES, Oliver John et al. :
Application No.: 11/547,540 :
PCT No.: PCT/US2005/010575 : DECISION
Int. Filing Date: 30 March 2005 :
Priority Date: 30 March 2004 :
Attorney's Docket No.: 0113019.00192US2 :
For: LUNG CANCER BIOMARKERS :

This decision is in response to applicant's submission under 37 CFR 1.497, filed in the United States Patent and Trademark Office on 24 September 2008.

BACKGROUND

On 24 July 2008, the Office mailed Decision On Request Under 37 CFR 1.497(d), granting applicant's request, but indicating that the declaration of inventor Rom was defective.

On 24 September 2008, applicant filed this request accompanied by a declaration of the inventors.

DISCUSSION

The declaration submitted 09 August 2007 and the declaration submitted 24 September 2008, taken together, satisfy the requirements of 37 CFR 1.497(a)-(b).

CONCLUSION

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 24 September 2008.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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2 6 FEB 2008

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WASHINGTON DC 20004-2128

In re Application of SEYMOUR et al.	:
Application No.: 11/547,543	: DECISION ON PETITION
PCT No.: PCT/IB05/00800	:
Int. Filing: 29 March 2005	: UNDER 37 CFR 1.47(a)
Priority Date: 01 April 2004	:
Attorney Docket No.: 742439-35	:
For: A LAMINATING SYSTEM AND METHOD	:

This is a decision on applicant's petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 21 December 2007, to accept the application without the signature of the joint inventor. Applicant's request for a five month extension of time is granted.

BACKGROUND

On 02 October 2006, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 24 May 2007, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period was required.

On 21 December 2007, applicant filed the instant petition along with a declaration, executed by two of the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventor WESSEL GERBER, alleging that Mr. GERBER refused to sign the application and is unavailable.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application

or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

The petition included the requisite petition fee, satisfying Item (1). Item (3) is satisfied because the last known address of non-signing inventor was provided.

With regard to item (4), the declaration submitted was executed by only two of the available joint inventors on their behalf and on behalf of the non-signing inventor were submitted. The declaration was not executed by third joint inventor Pieter Meiring Viljoen. A declaration in compliance with 37 CFR 1.497(a) and (b) executed by Mr. Viljoen is required. Item (4) is not yet satisfied.

Inventor's Refusal to Sign

With respect to Item (2) above, the declaration by Adam Seymour, managing director of DIY Industries (Proprietary) Ltd. was attached to the petition, detailing the efforts made to obtain the nonsigning inventor's signature. Mr. Seymour states that he attempted to contact the nonsigning inventor via an email dated 23 January 2007 and by letter dated 28 September 2007 without success. Mr. Seymour attached copies of the email and letter along with a registered letter receipt. The email was directed to "Irene", not to Mr. Gerber. The attachments appear to be the declaration and assignment relating to this application. The email which was sent to Mr. Gerber was not presented. Also the 28 September 2007 letter, which was presented as evidence, was not sent by Mr. Seymour but sent on his behalf. Therefore, Mr. Seymour does not have first hand knowledge of the presentation of the application papers.

Moreover, it is clear that neither the email or the letter contained a complete copy of the above-identified application, including specification, claims, drawings and declaration for Mr. GERBER's signature. Such presentation of the complete copy of the application is required. See Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal. [1]

---

[1] A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or , if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.... It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

Finally, the registered mail receipt seems to reflect the "Initial of the accepting officer". This is not the signature of Mr. Gerber and thus, is not proof of his receipt of the application papers. From the evidence presented one cannot conclude that Mr. Gerber refuses to sign the application papers. The action taken by petitioner is not sufficient to prove that Mr. Gerber refuses to sign the application papers. Under these circumstances, it cannot be concluded that Mr. Gerber is unavailable to sign the application.

In sum, Petitioner has satisfied Items (1) and (3).

Petitioner has not satisfied Item (2) by demonstrating: (1) a *bona fide* attempt was made to present a copy of the application papers for U.S. application 11/547,543 (specification, including claims, drawings, and declaration) to the nonsigning inventor for his signature and Mr. Gerber's refusal to sign, either in writing or by telephone, these documents.

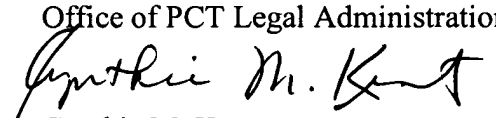
As set forth above, Item (4) is not yet satisfied. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Cynthia M. Kratz
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When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.
(Emphasis added.)

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NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON DC 20004-2128

In re Application of SEYMOUR et al.	:
Application No.: 11/547,543	: DECISION ON PETITION
PCT No.: PCT/IB05/00800	:
Int. Filing: 29 March 2005	: UNDER 37 CFR 1.47(a)
Priority Date: 01 April 2004	:
Attorney Docket No.: 742439-35	:
For: A LAMINATING SYSTEM AND METHOD	:

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 26 September 2008, to accept the application without the signature of the joint inventor. Applicant's request for a five month extension of time is granted.

BACKGROUND

On 02 October 2006, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 24 May 2007, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration, in accordance with 37 CFR 1.497(a) and (b), was required.

On 21 December 2007, applicant filed a petition along with a declaration, executed by the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventor WESSEL GERBER, alleging that Mr. GERBER refused to sign the application and is unavailable.

On 26 February 2008, a decision dismissing applicant's petition was mailed indicating that sufficient proof of Mr. Gerber's refusal to sign the application papers was not provided.

On 26 September 2008, applicant filed the instant renewed petition along with a statement of attorney Johnny Fiandeiro regarding Mr. Gerber's refusal to sign the application papers.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant previously satisfied Item (1) and (3).

With respect to Item (2) above, Petitioner submitted the declaration by attorney Johnny Fiandeiro, who represents Adam Seymour, the managing director of DIY Industries (Proprietary) Ltd. Mr. Fiandeiro states that on 5 May 2008, he forwarded a letter to Mr. Gerber by registered mail to his last known address, including a complete copy of the application papers. On 25 August 2008, Mr. Fiandeiro personally hand delivered a copy of the letter and patent application including specification, claims, drawings and declaration for his signature, which had previously been mailed to the non-signing inventor on 5 May 2008. Mr. Fiandeiro states that "Mr. Gerber expressly refused, in my presence, to execute the Declaration for the above identified application." Mr. Fiandeiro further states that he has not received any communication or a signed copy of the declaration from Mr. Gerber.

From the evidence presented one can conclude that Mr. Gerber refuses to sign the application papers. The action taken by petitioner is sufficient to prove that Mr. Gerber refuses to sign the application papers. Under these circumstances, it can be concluded that Mr. Gerber refuses to sign the application papers. Item (2) is now satisfied.

With respect to Item (4), petitioner explains that the declaration submitted on 21 December 2007 was executed by the three available joint inventors on their behalf and on behalf of the non-signing inventor were submitted. A closer review of the declaration reveals that it was executed by third joint inventor Pieter Meiring Viljoen. The declaration is in compliance with 37 CFR 1.497(a) and (b). Item (4) is satisfied.

In sum, Petitioner has satisfied Items (1)-(4).

Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

For the above reasons, the petition under 37 CFR §1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 21 December 2007. The application has an international filing date of 29 March 2005 under 35 U.S.C. 363, and a date of 21 December 2007 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

/Cynthia M. Kratz/

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WESSEL GERBER
17 BRODRICAN STREET
SELECTION PARK
1559
SPRINGS, SOUTH AFRICA

In re Application of SEYMOUR et al.	:
Application No.: 11/547,543	: DECISION ON PETITION
PCT No.: PCT/IB05/00800	:
Int. Filing: 29 March 2005	: UNDER 37 CFR 1.47(a)
Priority Date: 01 April 2004	:
Attorney Docket No.: 742439-35	:
For: A LAMINATING SYSTEM AND METHOD	:

Dear Mr. Gerber:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in 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.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286

NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON DC 20004-2128

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CHRISTOPHER & WEISBERG, P.A.
200 EAST LAS OLAS BOULEVARD
SUITE 2040
FORT LAUDERDALE, FL 33301

Mail Date: 05/13/2010

Applicant	: Hang Zhang	: DECISION ON REQUEST FOR
Patent Number	: 7630356	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/547,561	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **492** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

21 JUN 2007

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ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP
1725 K STREET, NW
SUITE 1000
WASHINGTON, DC 20006

In re Application of	:	
KOBAYASHI, Kentaro et al.	:	
Application No.: 11/547,564	:	DECISION
PCT No.: PCT/JP05/06641	:	
Int. Filing Date: 05 April 2005	:	ON SUBMISSION UNDER
Priority Date: 08 April 2004	:	
Attorney's Docket No.: 060723	:	37 CFR 1.42
For: Electrostatically Atomizing Device	:	

This decision is issued in response to applicants' submission on 05 October 2006 of a declaration executed on behalf of deceased co-inventor Toshihisa Hirai by his heir and legal representative. Applicants' submission is treated as a petition under 37 CFR 1.42.

BACKGROUND

On 05 April 2005, applicant filed international application PCT/JP05/06641, claiming an earliest priority date of 08 April 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 October 2006.

On 05 October 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied, *inter alia*, by the requisite basic national fee and a declaration of the inventors. The declaration was executed on behalf of deceased co-inventor Toshihisa Hirai by Kishiko Hirai as heir and legal representative. Applicants also filed a separate declaration executed by Kishiko Hirai.

DISCUSSION

When an inventor has deceased, 37 CFR 1.42 permits the legal representative (executor, administrator, etc.) of the deceased inventor to execute the necessary oath or declaration and, apply for and obtain a patent.

With respect to the legal representative, MPEP 409.01(a) states that where no legal representative has been appointed or is required to be appointed by law, the application for a patent may also be made by all of the heirs of the deceased. Further, MPEP 409.01(a) states that the heirs need to identify themselves as legal representative of the deceased inventor.

37 CFR 1.497(b)(2) states:

> If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that (1) the person is a legal representative and the (2) citizenship, (3) residence and (4) mailing address of the legal representative (underlining added).

A review of the declaration filed 05 October 2006 shows that Kishiko Hirai has executed the declaration as heir and legal representative for deceased co-inventor Toshihisa Hirai and has provided the statement required under item (1). Also provided is the citizenship of deceased co-inventor Toshihisa Hirai.

With regard to items (2)-(4), the residence, mailing address and citizenship of the person signing on behalf of deceased co-inventor Toshihisa Hirai has been provided in the declaration executed by Kishiko Hirai, heir and legal representative for deceased co-inventor Toshihisa Hirai.

The declaration filed 05 October 2006 is deemed acceptable under 37 CFR 1.497 (a)-(b).

CONCLUSION

Applicants' declaration filed 05 October 2006 under 37 CFR 1.42 is **ACCEPTED.**

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the PCT Legal Office.

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3297
Facsimile: (571) 273-0459

Stefan Staicovici
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-1208

6 JUL 2009

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Douglas R. Hanscom
Jones, Tullar & Cooper, P.C.
P.O.Box 2266
Eads Station
Arlington VA 22202

In re Application of :
Schafer et al. :
Application No. 11/547,566 :
PCT No.: PCT/EP2005/051363 :
Int. Filing Date: 23 March 2005 : DECISION
Priority Date: 05 April 2004 :
Atty. Docket No.: W1.2400 PCT-US :
For: Printing Units On A Web-Fed Rotary Printing Press :

This is in response to the petition filed on 24 July 2007.

BACKGROUND

This international application was filed on 23 March 2005, claimed an earliest priority date of 05 April 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 20 October 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 05 October 2006. Applicants timely filed *inter alia* the basic national fee.

On 05 July 2007, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) indicating a date under 35 U.S.C. 371(c)(1), (2) and (4) of "10/05/2006" were mailed to applicants.

DISCUSSION

Petitioner, referring to the Filing Receipt of record, indicates that the "application filing date is shown incorrectly as October 5, 2006. As may be seen from the enclosed photocopy of the receipt card filed with the application, the correct filing date is October 4, 2006." Inspection of the return postcard receipt referenced by petitioner reveals that it identifies the instant application, and is stamped as received by the USPTO on 04 October 2006. The postcard itemizes, *inter alia*, an "Eng trans of Int'l app as filed." an "Oath or decl of invntrs," and a "Check No. 19783 for 3490.00." MPEP 503 explains (in part) that "A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Following that practice, the correspondence itemized on said postcard receipt is regarded as received on 04 October 2006, rather than the 05 October 2006 date currently shown in the electronic application file (IFW). Consequently, the date of this application under 35 U.S.C. 371(c)(1), (2) and (4) is 04 October 2006. Accordingly, the Filing Receipt and the Notice of Acceptance mailed on 05 July 2007 are both hereby **VACATED**.

DECISION

The petition is **GRANTED** as discussed above.

This application is being forwarded to the Office of Patent Application Processing for the preparation and mailing of a new Filing Receipt and a new Notice of Acceptance showing a "Filing Date," 35 U.S.C. 371(c)(1), (2) and (4) date and 35 U.S.C. 371 date of **04 October 2006**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100624

DATE : June 24, 2010

TO SPE OF : ART UNIT 1796

SUBJECT : Request for Certificate of Correction on Patent No.: 7,476,260

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:

Please also see the preliminary amendment of the claims filed on 10/03/2006.

Thanks.

/Harold Y Pyon/
Supervisory Patent Examiner, Art Unit 1796

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27 OCT 2006

MCCRACKEN & FRANK LLP
200 W. ADAMS STREET
SUITE 2150
CHICAGO IL 60606

In re Application of:
NARISHIMA, Hidetaka, et al.
U.S. Application No.: 11/547,584
PCT No.: PCT/JP2005/005572
International Filing Date: 25 March 2005
Priority Date: 26 March 2004
Atty Docket No.: 80012/40186
For: DEVICE FOR PREVENTING LATERAL DISPLACEMENT FOR STABILIZERS

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 03 October 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' statement 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" satisfies the requirements of 37 CFR 1.137(b)(3).

Applicants have now submitted the basic national fee, and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application is granted as to the national stage in the United States of America.

It is noted that the petition was accompanied by an executed declaration in compliance with 37 CFR 1.497 and a translation of the international application into English. Deposit Account No. 50-1903 will be charged the $130 surcharge for filing the declaration later than thirty months after the priority date and the $130 processing fee for filing the translation later than thirty months after the priority date.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 03 October 2006.

10/27/2006 SBASHEIR 00000002 501903 11547584
Sale Ref: 00000002 DA#: 501903 11547584
01 FC:1617 130.00 DA
02 FC:1618 130.00 DA

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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27 MAR 2008

Cognis Corporation
Patent Department
300 Brookside Avenue
Ambler, PA 19002

In re Application of:
GOGET et al.
Application No.: 11/547,592
PCT No.: PCT/EP05/03233
Int. Filing Date: 26 March 2005
Priority Date: 05 April 2004
Attorney Docket No.: C 2948 PCT/US
For: WAX MIXTURE BASED ON PARTIAL GLYCERIDES AND PENTAERYTHRIOL ESTERS

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to applicant's "Petition under 37 CFR 1.182" filed 17 March 2008. Applicant requests to change the name of the fourth inventor from Catherine Mitchell to Catherine Weichold. The $400 petition fee has been submitted.

BACKGROUND

On 05 October 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: the basic national fee; a copy of the international application; a preliminary amendment; and an unexecuted declaration of the inventors.

On 17 January 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 17 March 2008, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states that:

Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the

typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

Applicant requests to change the name of the fourth inventor from Catherine Mitchell to Catherine Weichold. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the fourth inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a copy of the court order."

Here, applicant's submission included the authorization to charge counsel's Deposit Account the required fees, satisfying the petition fee requirement. As for the affidavit requirement, applicant has submitted an "Affidavit" regarding the name change. This affidavit states that the inventor's surname was changed, and that her name was legally changed to Catherine Weichold as a result of marriage.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to change the name of record for inventor Catherine Mitchell to Catherine Weichold is **GRANTED**.

Based on the above, the declaration filed 17 March 2008 is in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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FLASTER/GREENBERG P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
2nd Floor
Philadelphia, PA 19103

MAILED

MAR 05 2010

OFFICE OF PETITIONS

In re Application of	:	
James Dennis Holgersen	:	
Application No. 11/547,595	:	DECISION ON PETITION
Filed: October 4, 2006	:	TO WITHDRAW
Attorney Docket No. R0937-2U1	:	FROM RECORD
	:	

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 7, 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 Lynda L. Calderone 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 correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed November 2, 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: **R.O. Processing c/o Mr. John W. Fink**
68-12 Yellowstone Blvd., Apt. 2V
Forest Hills, NY 11375

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/547,595	10/04/2006	James Dennis Holgersen	R0937-2U1

CONFIRMATION NO. 5519

POWER OF ATTORNEY NOTICE

54380
FLASTER/GREENBERG P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
2nd Floor
PHILADELPHIA, PA 19103

OC000000040434153

Date Mailed: 03/04/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/07/2009.

- 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

26 NOV 2007

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COGNIS CORPORATION
PATENT DEPARTMENT
300 BROOKSIDE AVENUE
AMBLER PA 19002

In re Application of	:	
GONDEK et al	:	
Application No.: 11/547,599	:	
PCT No.: PCT/EP2005/003232	:	
Int. Filing Date: 26 March 2005	:	DECISION
Priority Date: 05 April 2004	:	
Attorney Docket No.: C 2940 PCT/US	:	
For: O/W GEL COMPOSITIONS HAVING PENTAERYTHRIOL ESTERS OR OLIGOMERS THEREOF	:	

The decision is in response to applicants' petition under 37 CFR 1.182 filed in the USPTO on 24 October 2007.

BACKGROUND

On 26 March 2005, applicants filed international application PCT/EP2005/003232 which designated the United States and claimed a priority date of 05 April 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 20 October 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 05 October 2006.

On 05 October 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 28 June 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage, were required.

On 14 August 2007, applicants filed a submission which was accompanied by a declaration of inventors and the surcharge under 37 CFR 1.492(h).

On 04 October 2007, the USPTO issued a NOTIFICATION OF DEFECTIVE

RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declaration of inventors submitted with the 14 August 2007 submission was not in compliance with 37 CFR 1.497(a)-(b) because the third inventor's last name is different on the declaration than on the International Application.

On 24 October 2007, applicants submitted the instant petition under 37 CFR 1.182. The petition was accompanied by an affidavit of Catherine Weichold.

DISCUSSION

In instances where an inventor has changed his or her name after the application has been filed, a petition under 37 CFR 1.182 must be submitted. The petition must include (1) the appropriate petition fee and (2) an affidavit signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order. MPEP § 605.04(c).

As to item (1), the petition fee is $400. The balance has been charged to Deposit Account 50-1177.

With regard to item (2), the affidavit of Catherine Weichold is an affidavit setting forth both names (Catherine Mitchell and Catherine Weichold) and the procedure (marriage) whereby the change of name was effected. The affidavit is accepted.

Declaration of Inventors

The declaration of inventors filed 14 August 2007 is in compliance with 37 CFR 1.497(a)-(b). The surcharge under 37 CFR 1.492(h) of $130 was submitted on 14 August 2007.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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WENDEROTH, LIND & PONACK, L.L.P.
1030 15TH STREET, N.W.,
SUITE 400 EAST
WASHINGTON DC 20005-1503

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SEP 28 2009

OFFICE OF PETITIONS

In re Application of :
Hiroshi MAENAKA, et al :
Application No. 11/547,611 : DECISION ON PETITION
Filed: November 22, 2006 :
Attorney Docket No. 2005_1475A :

This is a decision on the petition, filed June 30, 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 **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of December 3, 2008, which set a three (3) month shortened statutory period for reply. A reply was due on or before March 3, 2009.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on June 3, 2009 of, *inter alia,* the reply including a three month extension of time.

The reply is acknowledged as having been received in the USPTO on June 3, 2009. Accordingly, it is concluded that the reply was timely received in the USPTO.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

Telephone inquiries relating to this decision should be directed to Diane Goodwyn at (571) 272-6735.

This application is being referred to Technology Center AU 1794 for appropriate action in the normal course of business.

Thurman K. Page
Petitions Examiner
Office of Petitions

13 NOV 2006

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LADAS & PARRY
26 WEST 61ST STREET
NEW YORK NY 10023

In re Application of	:	
KOKORIN	:	
Application No.: 11/547,619	:	DECISION ON
PCT No.: PCT/IB2005/000590	:	
Int. Filing Date: 09 March 2005	:	PETITION UNDER
Priority Date: 09 March 2004	:	
Attorney Docket No.: U 016510-1	:	37 CFR 1.137(b)
For: ELECTROMAGNETIC TREATMENT OF MAMMALS	:	

This decision is in response to applicant's submission filed 05 October 2006.

BACKGROUND

On 09 March 2005, applicants filed international application PCT/IB2005/000590 which designated the U.S. and claimed a priority date of 09 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 29 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 11 September 2006 (09 September 2006 being a Saturday).

On 05 October 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, an assertion of small entity status, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 05 October 2006.

As to item (2), applicant submitted the petition fee on 05 October 2006.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

22 JAN 2008

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Dilworth & Barrese, LLP
333 Earle Ovington Blvd
Suite 702
Uniondale, New York 11553

In re Application of	:	DECISION ON
NAGATA et al	:	
PCT No.: PCT/JP2004/004985	:	PETITION UNDER
Application No: 11/547,621	:	
Int. Filing Date: 7 April 2004	:	
Priority Date: NA	:	37 CFR 1.47(a)
Attorney's Docket No.: 1416-3	:	
For: ATMOSPHERE PURGE-PORT CONNECTING...	:	
STORAGE CONTAINER	:	

This is in response to the "PETITION FOR FILING UNDER 37 C.F.R. 47(a)" filed on 13 November 2007. The requisite $200 petition fee has been paid.

BACKGROUND

On 07 April 2004, applicants filed international application PCT/JP2004/004985. The thirty-month (30) time period for paying the basic national fee in the United States of America expired at midnight on 07 October 2006.

On 05 October 2006, applicants filed for entry into the national stage in the United States of America. Filed with the application was, inter alia, the requisite basic national fee. However, no executed declaration was filed at such time.

On 6 November 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by International application number and international filing date" must be submitted within two months from of mailing or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 13 November 2007, petitioner filed the present petition accompanied, inter alia, an executed Declaration without the signature of one of the two inventors, i.e., without the signature of Takahito Yoshimura.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

INVENTOR CANNOT BE REACHED:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under **37 CFR 1.47**, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under **37 CFR 1.47**.
>
> Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under **37 CFR 1.47**. **37 CFR 1.43** may be available under these circumstances. See **MPEP § 409.02**. Such a petition under **37 CFR 1.47** will be dismissed as inappropriate.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

Petitioner has satisfied requirements (1), and (4) of 37 CFR 1.47(a). However, items (2) and (3) have not been satisfied.

Regarding item (2), the averments of Shobayashi and Sotome are insufficient to support a finding that the nonsigning inventor, Mr. Yoshimura could not be located after diligent effort. Mr. Sotome's declaration fails to show diligent effort to locate inventor Mr. Yoshimura because he broadly states that "to the best of his ability, he attempted to contact Mr. Yoshimura" but it is unclear what attempts he did. Consequently, Mr. Sotome's declaration fails to show diligent effort to locate missing inventor Mr. Yoshimura because no proof to corroborate his actions that Mr. Yoshimura could not be reached after diligent effort has been provided. For example, Mr. Sotome has not shown that he has searched for the above non-signing inventor's new address by using a broad search in the internet and also by using a phone director to try to locate Mr. Yoshimura's new address.

Regarding item (3), petitioner has not provided a statement of the last known address of the missing inventor.

Consequently, at this time it can not be concluded that the nonsigning Mr. Rump could not be found after diligent effort.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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07 JUL 2008

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In re Application of	:	DECISION ON
NAGATA et al	:	
Application No: 11/547,621	:	
PCT No.: PCT/JP2004/004985	:	PETITION UNDER
Int. Filing Date: 7 April 2004	:	
Priority Date: NA	:	
Attorney's Docket No.: 1416-3	:	37 CFR 1.47(a)
For: ATMOSPHERE PURGE-PORT CONNECTING...	:	
STORAGE CONTAINER	:	

This is in response to the "RENEWED PETITION UNDER 37 C.F.R. §1.47(a)" filed on 21 May 2008.

BACKGROUND

In a decision from this Office on 22 January 2008, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that item (2) had not been satisfied.

On 21 May 2008, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 22 January 2008 with respect to accepting the above application without the signature of nonsigning inventor Takehiko YOSHIMURA. Filed with the renewed petition, *inter alia*, is further documentary evidence of mailing the application papers to Mr. YOSHIMURA and a further statement by SOTOME.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The renewed petition of 21 May 2008 has satisfied item 2 under 37 CFR 1.47(a). Thus satisfying all the items under 37 CFR 1.47(a).

Sotome's averments do sufficiently demonstrate that a *bona fide* attempt was made to obtain the signature of Mr. Yoshimura and that he refused to sign the required papers. His statements indicate that on February 12, 2008 a complete copy of the above application was mailed to Mr. Yoshimura's last known address and was requested to return the signed papers by March 17, 2008. Accordingly, the conduct of Mr. Yoshimura is interpreted based on the evidence of the papers submitted as a refusal to sign the required papers. Consequently, the current record does sufficiently establish Mr. Yoshimura refusal to join in the application.

Petitioner has now satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The Application Division and the International Division are authorized to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **13 November 2007.**

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

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07 JUL 2008

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Takehiko Yoshimura
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Japan

In re Application of
NAGATA et al
Application No: 11/547,621
PCT No.: PCT/JP2004/004985
Int. Filing Date: 7 April 2004
Priority Date: NA
Attorney's Docket No.: 1416-3
For: ATMOSPHERE PURGE-PORT CONNECTING...
STORAGE CONTAINER

Dear Mr. Yoshimura:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in 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.

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16 MAY 2008

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MCDERMOTT WILL & EMERY LLP
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Washington, DC 20005-3096

In re Application of:
OKUDA, Nobukatsu, et al.
U.S. Application No.: 11/547,634
PCT No.: PCT/JP2005/007259
International Filing Date: 14 April 2005
Priority Date: 16 April 2004
Atty Docket No.: 056937-0310
For: IMAGING DEVICE AND IMAGING SYSTEM

DECISION

This decision is issued in response to the "Request For Corrected Filing Receipt" filed 07 April 2008, treated herein as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date accorded to the present application. No petition fee is required.

BACKGROUND

On 14 April 2005, applicants filed international application PCT/JP2005/007259. The international application claimed a priority date of 16 April 2004, and it designated the United States. On 27 October 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for entry into the U.S. national stage and submission of the basic national fee was thirty months from the priority date, i.e., 16 October 2006.

On 05 October 2006, applicant filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, an executed declaration, and a partial translation of the international application into English. The English translation was incomplete because Figures 5, 7 and 16 included Japanese language text and symbols, as did certain pages in the description (for example, page 17, line 32; page 26, lines 14-15, 28-30, page 27, lines 8-9, 13-14, 23-26, etc.).

On 25 April 2007, applicants filed a "Preliminary Amendment" that included a fully translated copy of Figure 16.

On 28 January 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Acceptance (Form PCT/DO/EO/903) identifying 05 October 2006 as the "Date Of Completion Of All 35 U.S.C. 371 Requirements" and 25 April 2007 as the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements." On the same date, a filing receipt was mailed that identified the 35 U.S.C. 371 date as 25 April 2007.

On 07 April 2008, applicants filed the "Request For Corrected Filing Receipt" considered herein as a petition under 37 CFR 1.181. The submission seeks correction of the 35 U.S.C. 371(c) date to 05 October 2006.

DISCUSSION

Where, as here, the international application was not filed or published in English, 35 U.S.C. 371(c)(2) requires an applicant entering the U.S. national stage to provide an English translation of the international application as filed. MPEP section 1893.01(d) discusses this requirement as follows:

> Applicants entering the national stage in the U.S. are required to file an English translation of the international application if the international application was filed in another language and was not published under PCT Article 21(2) in English. 35 U.S.C. 371(c)(2) and 37 CFR 1.495(c). [...]. A translation of less than all of the international application (e.g., a translation that fails to include a translation of text contained in the drawings or a translation that includes a translation of claims amended under PCT Article 19 or 34 but does not include a translation of the original claims) is unacceptable. [...]. A translation of words contained in the drawings must be furnished either in the form of new drawings or in the form of a copy of the original drawings with the translation pasted on the original text matter.

As noted above, the English translation of the international application filed by applicants on 05 October 2006 did not include a translation of all the Japanese language text contained in Figures 5, 7, and 16. In addition, the translated description included non-translated Japanese symbols. Accordingly, the translation of the international application filed 05 October 2006 was incomplete and therefore unacceptable.

Applicants filed a fully translated copy of Figure 16 on 25 April 2007. This submission completed the English translation of such figure; however, Figures 5 and 7, as well as the description, remain incompletely translated. Accordingly, applicants have not yet submitted the English translation of the complete international application required under 35 U.S.C. 371(c)(2). Because applicants have not completed the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4), the request to correct the 35 U.S.C. 371(c) date listed on the filing receipt to 05 October 2006, a date prior to the completion of the requirements of 35 U.S.C. 371(c)(2), is appropriately dismissed.

The Notification Of Acceptance mailed 28 January 2008, based as it was on applicants' purported completion of al the requirements of 35 U.S.C. 371(c), is appropriately vacated, as is the filing receipt mailed therewith.

CONCLUSION

For the reasons discussed above, applicants' "Request For Corrected Filing Receipt" is **DISMISSED** without prejudice.

Applicants have not yet submitted a complete translation of the international application as filed. Accordingly, the requirements of 35 U.S.C. 371(c)(2) have not been completed.

The "Notification Of Missing Requirements" (Form PCT/DO/EO/903) and filing receipt mailed 28 January 2008, which incorrectly indicate that the requirements of 35 U.S.C. 371(c) have been satisfied, are hereby **VACATED**.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision, including the mailing of a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of the materials required to complete the English translation of the international application, as discussed above.

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07 AUG 2009

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Dennison Associates
133 Richmond Street, W.
Toronto. Ontario MSH 2-67 CA CANADA

In re Application of	:
LUPKE et al.	:
Serial No.: 11/547,653	:
PCT No.: PCT/CA05/00530	:
Int. Filing Date: 08 April 2005	: DECISION
Priority Date: 08 April 2004	:
Atty. Docket No.: SWH 12334U.S.	:
For: METHOD OF FORMING CORRUGATED PIPE WITH A PIPE SPIGOT SEAL SEAT	:

This is a decision on applicant's "RESPONSE" requesting correction of the Application Filing Date and request to correct filing receipt" filed in the United States Patent and Trademark Office (USPTO) on 30 March 2009 in the above referenced application.

BACKGROUND

On 05 October 2006, prior to the thirty month deadline for filing a national stage application, applicant filed a transmittal requesting entry into national stage under 35 U.S.C. 371 along with the basic national filing fee and an executed declaration.

On 26 February 2009, a Notification of Insufficient Fees (Form PCT/DO/EO/923) was mailed to applicant indicating that the $65 (small entity) surcharge for late submission of filing fee, search fee, examination fee or oath or declaration as set forth in 37 CFR 1.492(h), in compliance with 37 CFR 1.27, was required. A filing receipt was also mailed.

On 30 March 2009, applicant filed the instant response indicating that no fees were due, that the filing receipt contained incorrect information and that documents directed to another PCT application were incorrectly located in the above referenced application.

DISCUSSION

A review of the application file reveals that applicant requested entry into the U.S. national stage for international application PCT/CA05/00530 and paid the basic national fee, search and examination fees on 05 October 2006, prior to the expiration of the thirty month deadline (08 October 2006). Applicant filed an executed declaration prior to the thirty month deadline; thus, no surcharge for filing the declaration after the thirty month period is due. The

fees enumerated in the 26 February 2009 Notification of Insufficient Fees (Form PCT/DO/EO/923) were paid prior to the expiration of the thirty month period; thus the 923 was erroneously mailed to applicant and is hereby **VACATED**.

Section MPEP 1893.03(b) states "An international application designating the U.S. has two stages (international and national) with the filing date being the same in both stages. Often the entry into the national stage is confused with the filing date. It should be borne in mind that the filing date of the international stage application is also the filing date for the national stage application." *See* 35 U.S.C. 363 and PCT Treaty Article 11(3) (which provides that an international filing date shall be considered the actual filing date in each designated State).

It is further stated in section 1893.03(b) that the Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) indicates the date of receipt of the 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) requirements and it indicates the date of completion of all 35 U.S.C. 371 requirements. Filing receipts are mailed concurrently with the mailing of the Form PCT/DO/EO/903. Applicants are quite often confused as to the true filing date and will ask for corrected filing receipts thinking that the information thereon is wrong. This explanation should offer some clarity. For most legal purposes, the filing date is the PCT international filing date.

As required by 35 U.S.C. 371(c)(4), a declaration, in compliance with 37 CFR 1.497(a) and (b) was submitted on 05 October 2006. The date of completion of all 35 U.S.C. 371 requirements includes fulfillment of subsection (b), which states that the national stage shall commence with the expiration of the time limit under PCT Article 22(a) or 39(1)(a) of the PCT Treaty. Thus, foe this application, the date of completion of all requirements of 35 U.S.C. 371 is 08 October 2006.

The Notification of Acceptance (Form PCT/DO/EO/903) will be issued which indicates these dates. The date applicant fulfilled all the requirements of 35 U.S.C. 371 is 08 October 2006 and 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) is 05 October 2006 and the date of completion of all requirements of 35 U.S.C. 371 as 08 October 2006.

The filing receipt mailed on 26 February 2009 also contains errors and is hereby **VACATED**. A new filing receipt in accord with this decision will be mailed.

All documents located in the above referenced application file directed to PCT/CA05/00**630** will be removed.

CONCLUSION

The Notification of Insufficient Fees (Form PCT/DO/EO/923) was erroneously issued and hereby be **VACATED**.

The application will be forwarded to the United States Designated/Elected Office for further processing including the issuance of a Notification of Acceptance and Filing Receipt in accord with this decision. A Notification of Acceptance will be issued indicating that applicant had fulfilled all the requirements of 35 U.S.C. 371 by the thirty month deadline or 08 October 2006 and 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 05 October 2006. A Corrected Filing Receipt will also be issued per applicant's request.

All documents located in the above referenced application file directed to PCT/CA05/00**630** will be removed.

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6 MAY 2009

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NOVARTIS VACCINES AND DIAGNOSTICS, INC.
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In re Application of	:	
Morris et al.	:	
Application No.: 11/547,676	:	DECISION
PCT No.: PCT/US2005/015467	:	
Int. Filing Date: 27 April 2005	:	ON
Priority Date: 27 April 2004	:	
Attorney Docket No.:20366-038US1 PP023351.00	:	PETITION
For: Novel Therapeutic Targets In Cancer	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 23 February 2009.

BACKGROUND

This international application was filed on 27 April 2005, claimed an earlier priority date of 27 April 2004, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 27 October 2006. Applicants filed *inter alia* the basic national fee on 06 October 2006.

On 22 July 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Regarding **requirement (1)**, the $200.00 petition fee has been paid.

Regarding **requirement (2)**, petitioner indicates that Dr. David Morris explicitly refused to execute the declaration of inventorship during a telephone conversation with Atty. Astrid Spain on 19 February 2009. This refusal occurred after Dr. Morris was provided with copies of the declaration and the application papers, on 23 October 2008. Based on the totality of the evidence now of record, it would be appropriate to conclude that Dr. Morris has refused to execute the application within the meaning of 37 CFR 1.47(a).

Regarding **requirement (3)**, the petition indicates the last known addresses of the non-signing joint inventor.

Regarding **requirement (4)**, inspection of the declaration of inventorship filed 23 February 2009 reveals that it nominates "Chistin Tse" and "Alli Fattaey" on page 3; these spellings differ from those appearing in the published international application and on other pages of the declaration itself. In addition, it appears that the declaration was assembled by aggregating separately signed sheets into a single document. MPEP 201.03 explains (in part) that

> 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. For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with A's signature, and a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not).

The declaration filed on 23 February 2009 does not comply with this policy. Therefore, this requirement (4) has not been satisfied.

In view of the fact that a declaration has not been accepted under 37 CFR 1.47(a) and 1.497(a) and (b), the Notice of Acceptance (Form PCT/DO/EO/903) mailed on 14 April 2009 was issued in error, and it is hereby **VACATED**.

DECISION

The petition under 37 CFR 1.47(a) 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 include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

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25 SEP 2009

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CORPORATE INTELLECTUAL PROPERTY-R338
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EMERYVILLE CA 94662-8097

In re Application of	:	
Morris et al.	:	
Application No.: 11/547,676	:	DECISION
PCT No.: PCT/US2005/015467	:	
Int. Filing Date: 27 April 2005	:	ON
Priority Date: 27 April 2004	:	
Attorney Docket No.: 081722-0451	:	PETITION
For: Novel Therapeutic Targets In Cancer	:	

This is in response to the correspondence filed on 06 July 2009, which is being treated as a renewed petition under 37 CFR 1.47(a).

DISCUSSION

In a Decision mailed on 06 May 2009, the petition under 37 CFR 1.47(a) filed on 23 February 2009 was dismissed, without prejudice, because the declaration filed on 23 February 2009 was defective:

> inspection of the declaration of inventorship filed 23 February 2009 reveals that it nominates "Chistin Tse" and "Alli Fattaey" on page 3; these spellings differ from those appearing in the published international application and on other pages of the declaration itself. In addition, it appears that the declaration was assembled by aggregating separately signed sheets into a single document.

In response, petitioner has provided four declaration documents and indicates that "the names of inventors Ali Fattaey and Christin Tse are spelled correctly and in accord with the spelling shown on the international publication..." Inspection of these declarations reveals that, on the document signed by Albert Lai (9th page of the declaration in IFW), inventor Fattaey's first name is spelled as "Alli," as opposed to "Ali." Also, inventor Tse's name is spelled as "Chistin" instead of "Christin." Petitioner has not explained these discrepancies. See MPEP 605.04(b). Therefore, it would not be appropriate to accept the declaration at this time. Consequently, requirement (4) for the grant of the petition under 37 CFR 1.47(a) has not been satisfied.

DECISION

The petition under 37 CFR 1.47(a) 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 include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

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14 DEC 2009

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In re Application of	:	
Morris et al.	:	
Application No.: 11/547,676	:	DECISION
PCT No.: PCT/US2005/015467	:	
Int. Filing Date: 27 April 2005	:	ON
Priority Date: 27 April 2004	:	
Attorney Docket No.: 081722-0451	:	PETITION
For: Novel Therapeutic Targets In Cancer	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 20 November 2009.

DISCUSSION

In a Decision mailed on 25 September 2009, the renewed petition under 37 CFR 1.47(a) filed on 06 July 2009 was dismissed, without prejudice, because the declaration filed on 06 July 2009 was defective:

> Inspection of these declarations reveals that, on the document signed by Albert Lai (9th page of the declaration in IFW), inventor Fattaey's first name is spelled as "Alli," as opposed to "Ali." Also, inventor Tse's name is spelled as "Chistin" instead of "Christin." Petitioner has not explained these discrepancies. See MPEP 605.04(b). Therefore, it would not be appropriate to accept the declaration at this time.

In response, petitioner has submitted new declaration documents curing the defects noted in the previous Decision. As such, all of the requirements for relief under 37 CFR 1.47(a) now have been satisfied.

The duplicate $200.00 petition fee (fee code 1463) paid on 20 November 2009 was not required; accordingly, it is being refunded to counsel's Deposit Account 50-2624.

DECISION

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **20 November 2009**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

14 DEC

United States Patent and Trademark Office

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United States Patent and Trademark Office
P.O. Box 1450
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David Morris
2841 Emerald Bay Drive
Davis, CA 95616

In re Application of
Morris et al.
Application No.: 11/547,676
PCT No.: PCT/US2005/015467
Int. Filing Date: 27 April 2005
Priority Date: 27 April 2004
Attorney Docket No.: 081722-0451
For: Novel Therapeutic Targets In Cancer

Dear Dr. Morris:

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) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for 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).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
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Tel: (571) 272-3283

Astrid Spain
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Alexandria, VA 22313-1450
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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of a joint inventor. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Dr. David MORRIS) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/US2005/015467 and was filed on April 27, 2005 in the names of David MORRIS, Marc MALANDRO, Christin TSE, Albert LAI and Ali FATTAEY for the invention entitled NOVEL THERAPEUTIC TARGETS IN CANCER. The national stage application number is 11/547,676 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of November 20, 2009.

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COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

Mail Date: 04/21/2010

Applicant	: Katsuya Sakamoto	: DECISION ON REQUEST FOR
Patent Number	: 7656774	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/547,686	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **665** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

12 DEC 2006

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NDQ&M WATCHSTONE LLP
1300 EYE STREET, NW
400 EAST TOWER
WASHINGTON DC 20005

In re Application of	:	
YANAGISAWA et al.	:	
Application No.: 11/547,689	:	DECISION
PCT No.: PCT/JP2005/006787	:	
Int. Filing Date: 06 April 2005	:	
Priority Date: 09 April 2004	:	
Attorney Docket No.: MIY.001.0101.PC	:	
For: TRAINING APPARATUS	:	

This decision is in response to applicant's submission filed in the United States Patent and Trademark Office (USPTO) on 02 November 2006.

BACKGROUND

On 06 April 2005, applicant filed international application PCT/JP2005/006787, which designated the U.S. and claimed a priority date of 09 April 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 20 October 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 09 October 2006.

On 06 October 2006, applicant filed, *inter alia*, a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 02 November 2006, applicant filed the instant submission which was accompanied by, *inter alia*, a request for refund and an assertion of small entity status.

DISCUSSION

The request for refund filed 02 November 2006 in effect requests a refund of one-half of the fees submitted on 06 October 2006 and is accompanied by an assertion of small entity status. A refund pursuant to 37 CFR 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under 37 CFR 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. 37 CFR 1.28(a). Here, an assertion of small entity status under 37 CFR 1.27(c) and a request for refund of the excess amount have been filed within three months of the timely payment of the full fee. Accordingly, the credit card to which the original application fees were charged has been credited $550.

CONCLUSION

The request for refund under 37 CFR 1.26 is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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UNITED STATES PATENT AND TRADEMARK OFFICE

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20 AUG 2007

James Lamance
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2561 Verbena Drive
Hollywood CA 90068

In re Application of: LAMANCE, James, W., Jr. :
U.S. Application No.: 11/547,694 : DECISION ON PETITION
PCT No.: PCT/AU2005/000493 :
International Filing Date: 07 April 2005 :
Priority Date: 08 April 2004 :
Atty Docket No.: None :
For: STACCATO PULSE EDGE CORRELATION :

This decision is issued in response to the "Petition To Withdraw Abandonment" filed 21 June 2007, treated herein under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 07 April 2005, applicant filed international application PCT/AU2005/000493. The international application claimed a priority date of 08 April 2004, and it designated the United States. On 20 October 2005, a copy of the international application was communicated to the United States Patent And Trademark Office (USPTO) by the International Bureau (IB). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 08 October 2006.

On 05 October 2006, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by a copy of the international application, and information disclosure sheet, and an executed declaration. The Transmittal Letter itemized the required fees as $450; however, the Transmittal Letter did not indicate that payment for such fees had been included with the submission.[1] USPTO records indicate that no fees have been paid with respect to the present application.

On 25 May 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to provide the "full U.S. Basic National Fee by 30 months."

On 21 June 2007, the petition considered herein was filed. The petition asserts that applicant included a credit card authorization with the application materials filed 05 October 2006, and requests withdrawal of the holding of abandonment based on this purported submission.

[1] On the third page of the Transmittal Letter, where an applicant may indicate the form of payment submitted (i.e., credit card authorization, etc.), applicant here left all the boxes unchecked.

DISCUSSION

Pursuant to 37 CFR 1.495(h), the failure to file the basic national fee prior to the expiration of thirty months from the priority date results in the abandonment of an international application with respect to the United States.

As indicated above, USPTO records indicate that no fees have been paid with respect to this application. Applicant's present petition does not include any evidence to support a finding that a proper credit card authorization form was included with the application materials filed herein on 05 October 2006 (i.e., a copy of the credit card authorization form, accompanied by a stamped return postcard itemizing such form and bearing a USPTO receipt stamp, and a statement confirming that the form represents a true copy of the previously filed authorization). Rather, applicant relies on an oral communication with the USPTO in which applicant states that he was informed that USPTO records indicate the fee payment "may have been received" but not processed. However, absent further evidentiary support from applicant confirming the submission of the fee payment, the record is insufficient to confirm receipt in the USPTO of proper payment of the basic national fee prior to the thirty-month deadline.

It is noted that applicant has not provided the Office with a copy of the credit card authorization form that was purportedly filed, or credit card records indicating that applicant has been charged the required fees by the USPTO; such materials are necessary for the USPTO to search internally to determine if the credit card authorization form purportedly included in the national stage filing was received in the USPTO.

Based on the above, the Notification of Abandonment mailed herein on 25 May 2007 was properly issued. Withdrawal of the Notification Of Abandonment on the present record would be inappropriate.

CONCLUSION

The petition to withdraw the holding of abandonment is **DISMISSED** without prejudice.

The present application remains abandoned with respect to the United States of America.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181" and must include an adequate showing that the payment of the basic national fee was filed in the USPTO prior to the expiration of the thirty-month deadline on 08 October 2006.

Please direct further correspondence with respect to this petition 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.

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UNITED STATES PATENT AND TRADEMARK OFFICE

0 4 APR 2008

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James Lamance
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In re Application of:	:	
LAMANCE, James, W., Jr.	:	DECISION ON RENEWED
U.S. Application No.: 11/547,694	:	PETITION
PCT No.: PCT/AU2005/000493	:	
International Filing Date: 07 April 2005	:	
Priority Date: 08 April 2004	:	
Atty Docket No.: None	:	
For: STACCATO PULSE EDGE CORRELATION	:	

This decision is issued in response to the "Renewed Petition Under 37 CFR 1.181" filed 16 October 2007. No petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 20 August 2007. That decision dismissed applicant's petition for withdrawal of the holding of abandonment based on applicant's failure to provide an adequate showing that the basic national fee was timely filed in the present application.

On 16 October 2007, applicant filed the renewed petition considered herein. The renewed petition again argues that a Credit Card Authorization (Form PTO-2038) authorizing a charge for the required basic national fee was included with the national stage materials filed 05 October 2007. The petition includes a statement providing further details regarding the filing of the national stage papers; however, a copy of the PTO-2038 purportedly filed on 05 October 2006 has again not been provided. In fact, the renewed petition indicates that, in the interests of security, a copy of such form was never made. The renewed petition also requests confirmation as to whether applicant's failure to indicate on the Form PTO-1390 Transmittal Letter filed 05 October 2006 that a credit card payment was included resulted in the USPTO's failure to process the Form PTO-2038, and it requests further information regarding any indications in the file indicating receipt of the fee payment (relying on a purported reference to such an indication made during a call to the PCT Help Desk).

DISCUSSION

Initially, it is noted that applicant's failure to indicate on the Form PTO-1390 filed 05 October 2006 that a credit card payment was included with such submission would not have resulted in the failure of the USPTO to process a proper Form PTO-2038 Credit Card

Authorization included with such materials. Regardless of the indications on the Form PTO-1390, had a proper Form PTO-2038 authorizing a charge for required fees been included with applicant's filing, the payment authorization would have been processed.

As to possible indications in the file that the Form PTO-2038 was received by the USPTO, a review of the file reveals an internal worksheet indicating that a fee authorization was received from applicant. Further internal review based on this indication has identified a copy of the Form PTO-2038; a copy of page 3 of this Form PTO-2038 (the page filled out by an applicant) is attached to the present decision. As is apparent from a review of this form, the required credit card information and signature were not included on the Form PTO-2038 filed by applicant herein. [1] The receipt of this incomplete Form PTO-2038 explains why the internal worksheet would indicate that a fee authorization was received from applicant; however, because such fee authorization was not properly completed by applicant (and therefore could not used as the basis to charge applicant for the required fees), the submission of such form does not constitute a timely payment of the required fees.

As discussed above and in the previous decision, applicant has not provided an acceptable showing that a properly completed Form PTO-2038 was filed herein on 05 October 2006, and USPTO records do not indicate that any fee payment was submitted herein. Accordingly, the holding of abandonment based on applicant's failure to timely file the basic national fee is proper.

CONCLUSION

The renewed petition to withdraw the holding of abandonment is **DISMISSED** without prejudice.

The present application remains abandoned with respect to the United States of America.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Second Renewed Petition Under 37 CFR 1.181" and must include an adequate showing that the payment of the basic national fee was filed in the USPTO prior to the expiration of the thirty-month deadline on 08 October 2006.

Applicant might also consider the filing of a petition for revival of an unintentionally abandoned application under 37 CFR 1.137(b).

---

[1] It is noted that the international application number was listed on the form by applicant, and the application number was hand-written in the same characteristic manner as on the Form PTO-1390 filed herein, making clear that this is the Form filed by applicant in the present application.

Please direct further correspondence with respect to this petition 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.

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Encl.: Copy of page 3 of Form PTO-2038 filed herein

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30 SEP 2008

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James Lamance
c/- Victoria Gaw
2561 Verbena Drive
Hollywood CA 90068

In re Application of:	:	
LAMANCE, James, W., Jr.	:	DECISION ON PETITION FOR
U.S. Application No.: 11/547,694	:	REVIVAL (37 CFR 1.137(b))
PCT No.: PCT/AU2005/000493	:	
International Filing Date: 07 April 2005	:	
Priority Date: 08 April 2004	:	
Atty Docket No.: None	:	
For: STACCATO PULSE EDGE CORRELATION	:	

This decision is issued in response to the petition for revival under 37 CFR 1.137(b) filed 05 June 2008. Applicant has paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 20 August 2007 and 04 April 2008. Those decisions dismissed applicant's petition for withdrawal of the holding of abandonment based on applicant's failure to provide an adequate showing that the basic national fee was timely filed in the present application.

On 05 June 2008, applicant filed the petition for revival under 37 CFR 1.137(b) considered herein.

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).[1]

With respect to item (1), the "required reply" here is payment of the basic national fee. Applicant's present petition indicates that it was accompanied by a "Form PTO-2038 Credit Card Payment Form authorizing payment of the small entity fee of $450 for the U.S. Basic National Fee.;" however, the USPTO has no record of having received such fee payment herein

[1] Item (4) does not apply to the present application.

(the only fee payment evident in the application file is the $770 small entity petition fee). Thus, on the present record, it does not appear that applicant has submitted the required reply. Item (1) of a grantable petition is therefore not satisfied.[2]

With respect to item (2), applicant has paid the required petition fee. Item (2) is therefore satisfied.

With respect to item (3), the petition form filed herein (Form PTO-SB/64) includes the required statement 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." However, this form was not signed by the applicant or by a registered agent on behalf of the applicant. Rather, the statement was signed by Nunzio Gambale, identified as the CEO of Locata Corporation, the corporation identified on the ADS as the assignee. However, the assignee has not been made of record herein (see 37 CFR 3.73(b)). The assignee is therefore not able, on the present record, to sign the petition and make the required statement of unintentional delay. Item (3) is therefore not satisfied on the present record.

CONCLUSION

Applicants' petition for revival under 37 CFR 1.137(b) is **DISMISSED** without prejudice for failure to satisfy all the requirements of a grantable petition.

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 request for reconsideration should be entitled "Renewed Petition Under 37 CFR 1.137(b)" and it must include the materials required to complete elements (1) and (3) of a grantable petition, that is, payment of the applicable basic national fee and an acceptable statement of unintentional delay.

No additional petition fee 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

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[2] Applicant should note that the fees payable herein, including the U.S. basic national fee, are the applicable fees as of the time of payment, not the time at which the original application was filed. Thus, applicant should confirm the current amount of the applicable fees prior to any subsequent fee payment made in response to this decision. The current fee schedule is available at the USPTO website (www.uspto.gov).

16 JAN 2009

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James Lamance
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In re Application of:	:	
LAMANCE, James, W., Jr.	:	DECISION ON RENEWED
U.S. Application No.: 11/547,694	:	PETITION FOR REVIVAL(37 CFR
PCT No.: PCT/AU2005/000493	:	1.137(b))
International Filing Date: 07 April 2005	:	
Priority Date: 08 April 2004	:	
Atty Docket No.: None	:	
For: STACCATO PULSE EDGE CORRELATION	:	

This decision is issued in response to the renewed petition for revival under 37 CFR 1.137(b) filed 19 November 2008. Applicant has previously paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the decisions mailed 20 August 2007, 04 April 2008, and 30 September 2008. The first two decisions dismissed applicant's petition for withdrawal of the holding of abandonment based on applicant's failure to provide an adequate showing that the basic national fee was timely filed in the present application. The 30 September 2008 decision dismissed applicant's original petition under 37 CFR 1.137(b) for failure to satisfy all requirements of a grantable petition. Specifically, applicants had failed to provide the "required reply" in the form of payment of the basic national fee and an acceptable statement of unintentional delay.

On 19 November 2008, applicant filed the renewed petition for revival under 37 CFR 1.137(b) considered herein.

DISCUSSION

The present renewed petition was accompanied by the "required reply" in the form of payment of the small entity basic national fee. The "required reply" element of a grantable petition is therefore satisfied.

With respect to the statement of unintentional delay, the renewed petition includes the required statement 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." The statement was executed by Scott A. Felder, a registered practitioner who is not of record in the present application. It is therefore not apparent that Mr. Felder is 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 a result of a reasonable inquiry into the facts and circumstances of such delay. In the event that such an inquiry has not been made, petitioner must make an inquiry. If such inquiry results in the discovery that the delay in paying the basic national fee was intentional, petitioner must notify this Office. Based on the above, the statement in the present petition is accepted in satisfaction of the requirements of 37 CFR 1.137(b)(3). Applicant has therefore satisfied the final element of a grantable petition.

CONCLUSION

Applicants' petition for revival under 37 CFR 1.137(b) is **GRANTED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) is 19 November 2008.

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Mail Date: 04/20/2010

Applicant	: Frans Eduard Janssens	: DECISION ON REQUEST FOR
Patent Number	: 7612056	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/547,705	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **130** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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WOODCOCK WASHBURN LLP
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Mail Date: 05/17/2010

Applicant : Frans Eduard Janssens
Patent Number : 7612056
Issue Date : 11/03/2009
Application No: 11/547,705
Filed : 10/05/2006

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **198** 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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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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AZ ELECTRONIC MATERIALS USA CORP.
ATTENTION: INDUSTRIAL PROPERTY DEPT.
70 MEISTER AVENUE
SOMERVILLE NJ 08876

MAILED

MAY 2 1 2010

OFFICE OF PETITIONS

In re Application of :
Takeshi NISHIBE et al. :
Application No. 11/547,707 : DECISION ON PETITION
Filed: October 05, 2006 :
Attorney Docket No. **2004JP302** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 11, 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 Notice to File Corrected Application papers (Notice), mailed July 14, 2009. The Notice set a non-extendable period for reply of two (2) months from the mail date thereof. Accordingly, the application became abandoned on September 15, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings, (2) the petition fee of $1620, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Corrected Application Papers of July 14, 2009 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to the Office of Data Management for processing into a patent.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

15 JUL 2008

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 New York Avenue, NW
Washington, DC 20001-4413

In re Application of:	:	
MAYHEW, Christopher, A., et al.	:	DECISION ON PETITION UNDER
U.S. Application No.: 11/547,714	:	37 CFR 1.47(a)
PCT No.: PCT/US2005/012220	:	
International Filing Date: 14 April 2005	:	
Priority Date: 09 April 2004	:	
Atty's Docket No.: 05048.0029	:	
For: OPTICAL ELEMENT PARALLAX SCANNING DEVICE	:	

This decision is issued in response to applicants' "Petition Pursuant To 37 CFR 1.47(a)" filed 11 June 2008. Applicants have paid the required petition fee.

BACKGROUND

On 14 April 2005, applicants filed international application PCT/US2005/012220. The international application claimed a priority date of 09 April 2004, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 09 October 2006.

On 06 October 2006, applicants' filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 11 March 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) indicating that an executed declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 11 June 2008, applicants filed a response to the Notification Of Missing Requirements (with required extension fee). The response included payment of the required surcharge and the "Petition Pursuant To 37 CFR 1.47(a)" considered herein. The petition seeks acceptance of the application without the signature of co-inventor Aron BACS, whom applicants assert has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> 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 joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have not filed a declaration executed by any of the three inventors of record herein.[1] Applicants must provide an acceptable declaration executed by the co-operating inventors that includes an unsigned signature block for the non-signing inventor. Until such a declaration is provided, item (3) is not satisfied.

Regarding item (4), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, as evidence of the inventor's refusal to execute the declaration, applicants have provided a declaration of Christopher A. Mayhew, with accompanying exhibits. Mr. Mayhew's declaration indicates that a request for signature accompanied by a Declaration and Power of Attorney were forwarded to the non-signing inventor via electronic mail, and that the inventor responded with an electronic message indicating that he did not believe he was obligated to sign anything further at this time. However, the submission does not indicate that a copy of the complete application (description, claims, and drawings) was included with the request for signature, as required by the MPEP (the statement refers only to the Declaration and Power of Attorney). Before it can be determined that the inventor has refused to execute the present

[1] The petition refers to a declaration "filed with the application" in which the signature of non-signing inventor Aron BACS is missing. This implies that a partially executed declaration has been submitted herein; however, no such declaration is present in the application file.

application, petitioner must demonstrate that a request for signature, accompanied by a copy of the complete application, has been sent to the non-signing inventor, and that the inventor has refused to provide the requested signature. Until such materials are provided, item (4) of a grantable petition is not considered satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy items (3) and (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

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

10 NOV 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 New York Avenue, NW
Washington, DC 20001-4413

In re Application of:	:	
MAYHEW, Christopher, A., et al.	:	DECISION ON RENEWED
U.S. Application No.: 11/547,714	:	PETITION UNDER
PCT No.: PCT/US2005/012220	:	37 CFR 1.47(a)
International Filing Date: 14 April 2005	:	
Priority Date: 09 April 2004	:	
Atty's Docket No.: 05048.0029	:	
For: OPTICAL ELEMENT PARALLAX SCANNING DEVICE	:	

This decision is issued in response to applicants' renewed petition under 37 CFR 1.47(a) filed 14 October 2008. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed herein on 15 July 2008, which dismissed applicants' petition under 37 CFR 1.47(a) for failure to satisfy the requirements of a grantable petition. Specifically, applicants had failed to provide a declaration executed by the cooperating inventors and an adequate showing that the non-signing inventor has refused to execute the application.

On 14 October 2008, applicants filed the renewed petition considered herein (with required one-month extension fee).

DISCUSSION

The present submission includes a declaration executed by two of the three inventors of record and including an unsigned signature block for the non-signing inventor, Aron BACS. This declaration satisfies the declaration requirement for a grantable petition.

In addition, the renewed petition includes supplemental materials demonstrating that a request for signature, accompanied by a copy of the complete application, has been forwarded to the non-signing inventor at his last known address and by electronic mail. This submission, in combination with the materials included with the original petition, provide an acceptable showing that the non-signing inventor has refused to execute the application. This satisfies the final requirement for a grantable petition under 37 CFR 1.47(a).

CONCLUSION

The renewed petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted without the signature of non-signing inventor Aron BACS.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 14 October 2008.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

10 NOV 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Mr. Aron BACS
14251 Islamorada Drive
Orlando, Florida 32837

In re Application of: MAYHEW, Christopher, A., et al.
U.S. Application No.: 11/547,714
PCT No.: PCT/US2005/012220
International Filing Date: 14 April 2005
Priority Date: 09 April 2004
Atty's Docket No.: 05048.0029
For: OPTICAL ELEMENT PARALLAX SCANNING DEVICE

Dear Mr. BACS:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney 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.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

Counsel Of Record:
Brad C. Rametta
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 New York Avenue, NW
Washington, DC 20001-4413

20 JUN 2008

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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

In re Application of :
Faeh et al. :
Application No.: 11/547,726 :
PCT No.: PCT/CH05/00197 :
Int. Filing Date: 06 April 2005 : DECISION
Priority Date: 06 April 2004 :
Attorney Docket No.: FAEH1 :
For: Method And Device For Testing The :
Bactericidal Effect Of Substances :

This is in response to the request for withdrawal filed on 07 August 2007.

BACKGROUND

This international application was filed on 06 April 2005, claimed an earliest priority date of 06 April 2004, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 20 October 2005. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 06 October 2006. On 06 October 2006, applicants filed *inter alia* the basic national fee.

On 05 June 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

Counsel requests withdrawal from the representation on the basis that "No instructions received. Client owes us more than $9000, last payment being $482 August 2006, owing us over $8500 for more than 7 months. Work was timely done as instructed; we promptly reported such work and included our debit for services and government fees. Letters have been sent to client on several occasions requesting payment, but these have gone unanswered." 37 CFR 1.36(b) provides that

> A registered patent attorney or patent agent who has been given a power of attorney pursuant to § 1.32(b) may withdraw as attorney or agent of record upon application to and approval by the Director. The applicant or patent owner will be notified of the withdrawal of the registered patent attorney or patent agent. Where power of attorney is given to the patent practitioners associated with a Customer Number, a request to delete all of the patent practitioners associated with the Customer Number may not be granted if an applicant has given power of attorney to the patent practitioners associated with the Customer Number in an application that has an Office action to which a reply is due, but insufficient time remains for

> the applicant to file a reply. See § 41.5 of this title for withdrawal during proceedings before the Board of Patent Appeals and Interferences.

While 37 CFR 10.40 provides in part that

> (c) Permissive withdrawal. If paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matters pending before the Office unless such request or such withdrawal is because:
>
> (1) The petitioner's client:
>
> (iv) By other conduct renders it unreasonably difficult for the practitioner to carry out the employment effectively;
>
> (vi) Has failed to pay one or more bills rendered by the practitioner for an unreasonable period of time or has failed to honor an agreement to pay a retainer in advance of the performance of legal services.

In view of counsel's statement that the client has failed to compensate the practitioner, and has failed to provide instructions to counsel, and in view of the procedural stance of this case vis-a-vis the issue of outstanding Office actions, it would be appropriate to grant the request for permission to withdraw from the representation.

DECISION

The request is **ACCEPTED**.

This application is being forwarded to the Office of Patent Application Processing for further processing, including processing of the change of correspondence address filed on 07 August 2007.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

30 MAY 2008

Commissioner for Patents
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LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

In re Application of	:	
STEGMAIR	:	
Application No.: 11/547,737	:	DECISION ON PETITION
PCT No.: PCT/EP04/03634	:	
Int. Filing Date: 06 April 2004	:	UNDER 37 CFR 1.181
Priority Date: 06 April 2003	:	
Attorney Docket No.: RWS-2005/108125	:	
For: DEVICE FOR THE DETACHABLE FITTING OF A TRACTION AID TO VEHICLE WHEELS COMPROMISING A RIM AND A TIRE WITH RUNNING SURFACES	:	

This decision is in response to applicant's "RESUBMISSION OF SIGNED DECLARATION" filed 29 February 2008 in the United States Patent and Trademark Office (USPTO). The submission is being considered pursuant to 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 06 April 2004, applicant filed international application PCT/EP04/03634, which claimed priority of an earlier application filed 06 April 2003. A copy of the international application was transmitted from the International Bureau (IB) on 17 November 2005. Pursuant to 37 CFR 1.485, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 06 October 2006.

On 06 October 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1), a preliminary amendment, an English translation of the international application as filed, an Application Data Sheet and an Information Disclosure Statement.

On 29 February 2008, applicant filed the present petition to contending that an executed declaration of the inventor had been filed on 02 November 2006.

DISCUSSION

The best evidence of what was actually received by the Office is a postcard receipt containing a specific itemization of all the items being submitted. See MPEP 503. Here, applicant has provided a copy of the date-stamped postcard receipt, as well as, a complete copy

of the prior filing and certification that the copy currently provided is a true and complete copy of the papers filed on 02 November 2006. The postcard identifies the application by serial number and attorney docket number. Among the items listed on the receipt is: "Signed Declaration." The receipt is stamped "IAP13 Rec'd PCT/PTO 02 NOV 2006." The postcard has not been annotated in any way to indicate that any of the listed items were not received. Thus, it is clear that applicant filed an executed declaration on 02 November 2006 and it is proper to grant applicant's petition to accord the presently filed copy of the declaration a filing date of 02 November 2006. In addition, a review of the fee record for the present application shows applicant's payment of the $65.00 surcharge contained therein.

CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.181 is **GRANTED**.

The application has an international filing date of 06 April 2004 under 35 U.S.C. 363 and will be given a date of **02 November 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a filing receipt indicating the correct 371 date as detailed above.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/547,747	06/11/2007	Shuji Ozaki	14875-171US1 C1-A0404P-US	2807

26161 7590 02/02/2010

FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
DUFFY, BRADLEY	

ART UNIT	PAPER NUMBER
1643	

NOTIFICATION DATE	DELIVERY MODE
02/02/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

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FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

FEB 02 2010

In re Application of:
Ozaki et al.
Serial No.: 11/547,747
Filed: June 11, 2007
Attorney Docket No.: **14875-171US1 C1-A0404P-US**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed January 21, 2010 to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Office action for an unpublished application submitted to the Patent Office on January 21, 2010, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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MUIRHEAD AND SATURNELLI, LLC
200 FRIBERG PARKWAY
SUITE 1001
WESTBOROUGH, MA 01581

Mail Date: 04/21/2010

Applicant	: Mike Muhl	: DECISION ON REQUEST FOR
Patent Number	: 7652490	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/547,761	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/11/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **292** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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SCHWABE, WILLIAMSON & WYATT, P.C.
1420 FIFTH, SUITE 3010
SEATTLE, WA 98101

Mail Date: 04/21/2010

Applicant	: Majeed D. Salman	: DECISION ON REQUEST FOR
Patent Number	: 7656317	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/547,827	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **726** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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LATHROP & GAGE LC
2345 GRAND AVENUE
SUITE 2800
KANSAS CITY MO 64108

MAILED

MAR 19 2009

OFFICE OF PETITIONS

Applicant: Sullivan
Appl. No.: 11/547,831
International Filing Date: March 29, 2005
Title: LOW AC RESISTANT FOIL WINDING FOR MAGNETIC COILS ON GAPPED CORES
Attorney Docket No.: 454573
Pub. No.: US 2008/0169893 A1
Pub. Date: July 17, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 8, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors in the title and several paragraphs in the specification.

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. [1]

The errors in the symbols noted by requestor in the specification are not material Office errors under 37 CFR 1.221. The text was not printed correctly due to the quality of the text, as the symbols are small. The text is not clear, as it is small in size, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52 and PCT Rule 11.9(d)(1). Additionally, a member of the public will be able to understand the context by the surrounding information in the specification as well as the figures. With respect to the title, the error is not a material Office error under 37 CFR 1.221. The error in the title does not affect the public's ability to appreciate the technical disclosure of the patent application

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

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.

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 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 and PCT Rule 11.9(d)(1).

On April 10, 2008, a Filing Receipt was mailed by the Office, which improperly listed the title. To avoid this type of problem in the future, applicant's representative should make request a corrected filing receipt prior to publication of the application.

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.

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 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 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/547,839		Martti Moisio	915-001.099

WARE FRESSOLA VAN DER SLUYS &
ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE CT 06468

DATE MAILED: January 8, 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 December 29, 2006, 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).

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Barbara J. Debnam
Pre-Grant Publication Division

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

29 JAN 2008

PROSKAUER ROSE LLP
Patent Department
1585 Broadway
New York, NY 10036

In re Application of:
FOERNSEL, Peter, et al.
U.S. Application No.: 11/547,854
PCT No.: PCT/EP2005/003442
International Filing Date: 01 April 2005
Priority Date: 09 April 2004
Atty's Docket No.: 20496-534
For: METHOD AND DEVICE FOR PRODUCING LOW-PRESSURE PLASMA AND THE USE THEREOF

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47(a)" filed 10 January 2008. Applicants have paid the required petition fee.

BACKGROUND

On 01 April 2005, applicants filed international application PCT/EP2005/003442. The international application claimed a priority date of 09 April 2004, and it designated the United States. On 20 October 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 09 October 2006.

On 06 October 2006, applicants' filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and a translation of the international application into English.

On 11 June 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) indicating that an executed declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 10 January 2008, applicants filed a response to the Notification Of Missing Requirements (with required five-month extension fee). The response included payment of the required surcharge, a partially executed declaration, and the petition under 37 CFR 1.47(a) considered herein. The petition seeks acceptance of the application without the signature of inventor Uwe HARTMANN, whom applicants assert has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> 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 joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by two of the three inventors of record in the international application and including an unsigned signature block for the non-signing inventor, Uwe HARTMANN. This declaration can be accepted as having been executed by the signing inventor on his own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made.

Here, as evidence of the inventor's refusal to execute the declaration, applicants have provided a declaration of Scott K. Witonsky, with accompanying exhibits. Mr. Witonsky's statement refers to correspondence between a different attorney (J. Kruger) and counsel for the non-signing inventor. During such correspondence, J. Kruger appears to have forwarded an assignment and declaration for signature to counsel for the non-signing inventor, who responded that his client would not execute the documents pending resolution of a disputed matter. However, as discussed in the MPEP, before it can be concluded that the inventor has refused to execute the application, applicants are required to provide evidence that a copy of the complete application (specification, claims, and drawings) and a request for signature has been forwarded to the inventor. The materials provided here refer only to a declaration and assignment being

sent to the inventor's attorney. In addition, applicants have not provided the required firsthand statement from the attorney who actually engaged in the described correspondence (i.e., J. Kruger), confirming such correspondence and the enclosures included therein.

Until adequate supplemental, firsthand materials are provided to confirm that a request for signature, accompanied by a copy of the complete application, has been sent to counsel for the non-signing inventor, and that the inventor has refused to provide the requested signature in response to such request, item (4) is not satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

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

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Commissioner for Patents
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www.uspto.gov

PROSKAUER ROSE LLP
Patent Department
1585 Broadway
New York, NY 10036

08 MAY 2008

In re Application of:
FOERNSEL, Peter, et al.
U.S. Application No.: 11/547,854
PCT No.: PCT/EP2005/003442
International Filing Date: 01 April 2005
Priority Date: 09 April 2004
Atty's Docket No.: 20496-534
For: METHOD AND DEVICE FOR PRODUCING LOW-PRESSURE PLASMA AND THE USE THEREOF

DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" filed 28 March 2008. No additional petition fee is required.

BACKGROUND

The procedural background for this application was set forth in the decision mailed 29 January 2008. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a) for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had failed to provide an adequate showing that the non-signing inventor refuses to execute the application or cannot be reached after diligent effort.

On 28 March 2008, applicants filed the renewed petition considered herein.

DISCUSSION

The renewed petition includes a firsthand statement from counsel, with supporting documents, confirming the mailing of a request for signature (accompanied by a copy of the complete application) to the non-signing inventor's attorney, as well as the sending of a facsimile reminder with respect to such request. The renewed petition indicates that no response was received with respect to these requests for signature.

The present submission, in combination with the materials previously filed by applicants, provides an adequate showing that the non-signing inventor has refused to execute the application. Applicants have therefore satisfied the final requirement for a grantable petition.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of non-signing inventor Uwe HARTMANN.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the non-signing inventor at his last-known address, as set forth in the petition.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 10 January 2008.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

13 NOV 2006

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Steven M. Hertzberg
Abelman, Frayne and Schwab
666 Third Avenue
New York NY 10017-5621

In re Application of	:	
HINE et al.	:	
Application No.: 11/547,859	:	DECISION ON
PCT No.: PCT/US2004/040520	:	
Int. Filing Date: 03 December 2004	:	PETITION UNDER
Priority Date: 03 December 2003	:	
Attorney Docket No.: 207,883	:	37 CFR 1.137(b)
For: CORK EXTRACTOR APPARATUS	:	
AND METHOD	:	

This decision is in response to applicant's submission filed 06 October 2006.

BACKGROUND

On 03 December 2004, applicants filed international application PCT/US2004/040520 which designated the U.S. and claimed a priority date of 03 December 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 23 June 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 05 June 2006 (03 June 2006 being a Saturday).

On 06 October 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, an assertion of small entity status, an unexecuted declaration of inventors, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 06 October 2006.

As to item (2), applicant submitted the petition fee on 06 October 2006.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of inventors filed 06 October 2006 indicates an incorrect application number. The application is listed as PCT/US2005/040520 rather than PCT/US2004/040520.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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DAVID B. WALLER
SUITE 214
5677 OBERLIN DRIVE
SAN DIEGO, CA 92121

COPY MAILED

MAR 19 2008

OFFICE OF PETITIONS

In re Application of :
Alexander IVASHCHENKO, et al :
Application No. 11/547,874 : DECISION ON PETITION
Filed: October 5, 2006 : TO WITHDRAW
Attorney Docket No. CDI.002.P : FROM RECORD
:

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, 2008.

The request is **NOT APPROVED**.

The Office cannot approve the request at this time since the reason provided does not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "a practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office." More specifically, 37 CFR 10.40 states, "if paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, agent has accepted a position in a law firm, does not meet any of the conditions set forth in 37 CFR 10.40.

The request cannot be approved because the attorneys of record were not appointed by customer number.

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: CHEMICAL DIVERSITY LABS, INC.
ALEXANDER IVASHCHENKO
6605 NANCY RIDGE DRIVE
SAN DIEGO, CA 92121

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAY 27 2008

DAVID B. WALLER
DAVID B. WALLER & ASSOCIATES
5677 OBERLIN DRIVE
SUITE 214
SAN DIEGO, CA 92121

In re Application of	:	
Alexander IVASHCHENKO, et al	:	
Application No. 11/547,874	:	DECISION ON PETITION
Filed: October 5, 2006	:	TO WITHDRAW
Attorney Docket No. CD1.002.P	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 25, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by David B. Waller the sole attorney of record.

David B. Waller has been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: ALEXANDER IVASHCHENKO
2874 CALLE RANCHO VISTA,
ENCINITAS, CA 92024

CHEMICAL DIVERSITY LABS, INC.
ALEXANDER IVASHCHENKO
6605 NANCY RIDGE DRIVE
SAN DIEGO, CA 92121

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/547,874	10/05/2006	Alexander Ivashchenko	CDI.002.P

CONFIRMATION NO. 6993

POWER OF ATTORNEY NOTICE

David B Waller
David B Waller & Associates
5677 Oberlin Drive
Suite 214
San Diego, CA 92121

Date Mailed: 05/27/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/25/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

28 FEB 2008

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P.O. Box 1450
Alexandria, VA 22313-1450
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Johan Lindblad
Beckomberhavahen 27
S-168 54 Bromma
SWEDEN

In re Application of	:	
LINDBLAD, Johan et al.	:	
Application No.: 11/547,880	:	DECISION
PCT No.: PCT/SE2005/000357	:	
Int. Filing Date: 14 March 2005	:	ON PETITION UNDER
Priority Date: 19 March 2004	:	
Docket No.: None	:	37 CFR 1.137(b)
For: ATTACHMENT DEVICE FOR MOUNTING AND FIXATION OF LIGHTING FILTERS	:	

Applicant's Petition to Revive Under 37 CFR §1.137(b), filed in the above-captioned application on 09 January 2007 is **GRANTED**.

Applicant 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, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted. The fee for late filing of the search fee, examination fee or oath or declaration has not been submitted.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b), the search fee, examination fee and surcharge for late filing of the search fee, examination fee or oath or declaration are required.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

10 DEC 2008

UNITED STATES PATENT AND TRADEMARK OFFICE
Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Johan Lindblad
Beckomberhavahen 27
S-168 54 Bromma
SWEDEN

In re Application of	:	
LINDBLAD, Johan et al.	:	
Application No.: 11/547,880	:	DECISION
PCT No.: PCT/SE2005/000357	:	
Int. Filing Date: 14 March 2005	:	ON PETITION UNDER
Priority Date: 19 March 2004	:	
Docket No.:	:	37 CFR 1.137(a)
For: ATTACHMENT DEVICE FOR MOUNTING AND FIXATION OF LIGHTING FILTERS	:	

This is a decision on applicant's Petition For Revival Under 37 CFR 1.137(a), filed in the above-captioned application on 22 October 2008.

BACKGROUND

On 25 July 2008, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration, the surcharge for late filing the search fee, examination fee or oath or declaration, the translation and the processing fee for late filing of the translation were required.

On 19 September 2008, applicant filed a response to the Notification of Missing Requirements stating that the application was filed in English and as such a translation is not required. The response included the surcharge and a declaration of the inventors.

On 22 October 2008, applicant filed a petition to revive under 37 CFR 1.137(a), with a copy of the declaration and response to the Notification of Missing Requirements.

On 28 October 2008, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that additional claim fees and the processing fee for late filing of the translation were required.

On 18 November 2008, applicant filed a response to the Notification of Defective Response.

DISCUSSION

The application is not abandoned. The Office did received the September 2008 response to the Notification of Missing Requirements. Further, if the Office had not received the submission, the Notification permitted extensions of time under 37 CFR 1.136(a).

The application was published in English. Neither a translation nor the processing fee for late filing of the translation were required. The Notification of Defective Response mailed 28 October 2008 is vacated.

However, the declaration filed on 19 September 2008 listed only one inventor. The international application listed 3 inventors. The Office does not have record of any changes to the inventorship under PCT Rule 92*bis*. As such, the declaration of the inventors does not comply with 37 CFR 1.497(a)-(b).

A review of the fees indicates that some fees have been paid twice and other fees that were not owed have been paid. Applicants may wish to review the fees in the application and ask for a refund of the appropriate fees.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(a) is **DISMISSED AS MOOT**.

The Notification of Defective Response (Form PCT/DO/EO/916) mailed 28 October 2008 is **VACATED**.

Applicants are required to furnish an oath or declaration in compliance with 37 CFR 1.497(a)-(b) within **TWO (2) MONTHS** of the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
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2929 ARCH STREET
PHILADELPHIA PA 19104-2891

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DEC 11 2008

In re Application of	:	
Janssens et al.	:	
Application No. 11/547,889	:	DECISION ON PETITION
Filed: October 5, 2006	:	
Attorney Docket No. PRD2195USPCT	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 11, 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 March 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 June 29, 2008. A Notice of Abandonment was mailed October 27, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $1,620.00, and (3) an adequate statement of unintentional delay.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to Technology Center AU 1625 for appropriate action by the Examiner in the normal course of business on the reply received.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

17 JAN 2007

Blakely Sokoloff Taylor & Zafman
12400 Wilshire Boulevard
7th Floor
Los Angeles CA 90025

In re Application of	:	
MENARD et al.	:	
Application No.: 11/547,899	:	DECISION ON
PCT No.: PCT/FR2004/002125	:	
Int. Filing Date: 11 August 2004	:	PETITION UNDER
Priority Date: 13 August 2003	:	
Attorney Docket No.: 15675P647	:	37 CFR 1.137(b)
For: ACCELEROMETER WITH REDUCED EXTRANEOUS VIBRATING OWING TO IMPROVED RETURN MOVEMENT	:	

This decision is in response to applicant's submission filed 20 December 2006.

BACKGROUND

On 11 August 2004, applicants filed international application PCT/FR2004/002125 which designated the U.S. and claimed a priority date of 13 August 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 24 February 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 February 2006.

On 20 December 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, an English translation of the international application, the processing fee under 37 CFR 1.492(i) for providing the translation later than thirty months from the priority date, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 20 December 2006.

As to item (2), applicant submitted the petition fee on 20 December 2006.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

03 DEC 2007

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Blakely Sokoloff Taylor & Zafman
12400 Wilshire Boulevard
7th Floor
Los Angeles CA 90025

In re Application of	:	SUPPLEMENTAL
MENARD et al.	:	
Application No.: 11/547,899	:	DECISION
PCT No.: PCT/FR2004/002125	:	
Int. Filing Date: 11 August 2004	:	
Priority Date: 13 August 2003	:	
Attorney Docket No.: 15675P647	:	
For: ACCELEROMETER WITH REDUCED EXTRANEOUS VIBRATING OWING TO IMPROVED RETURN MOVEMENT	:	

This decision is supplemental to the decision mailed 17 January 2007.

The last paragraph of that decision indicated that the application was being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage. However, a declaration under PCT Rule 4.17(iv) had already been filed in the international application. This declaration is in compliance with 37 CFR 1.497(a)-(b). Accordingly, that portion of the decision is hereby VACATED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

Daniel Stemmer
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UNITED STATES PATENT AND TRADEMARK OFFICE

12 SEP 2007

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
WEGMANN et al.	:	
Application No.: 11/547,909	:	DECISION ON
PCT No.: PCT/EP2005/003780	:	
Int. Filing Date: 11 April 2005	:	PETITION UNDER
Priority Date: 09 April 2004	:	
Attorney Docket No.: Q97356	:	37 CFR 1.497(d)
For: METHOD FOR STRUCTURING A	:	
SUBSTRATE USING MULTIPLE EXPOSURE	:	

This decision is in response to applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 30 July 2007, which has properly been treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 11 April 2005, applicant filed international application PCT/EP2005/003780 which designated the U.S. and claimed a priority date of 09 April 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 20 October 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 10 October 2006 (09 October 2006 being a Federal holiday).

On 10 October 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee.

On 31 May 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage were required.

On 30 July 2007, applicants filed the instant submission which has properly been treated as a petition under 37 CFR 1.497(d). The petition was accompanied by a declaration of inventors and the surcharge under 37 CFR 1.492(h).

DISCUSSION

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92*bis* subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in Sec. 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

Item (1) has not been satisfied. A statement from the person being added as an inventor has not been provided.

As to item (2), the petition fee of $130 has been charged to Deposit Account 19-4880.

Item (3) has not been satisfied. No mention is made in the petition regarding whether an assignment has been executed. If an assignment has been executed, the written consent of the assignee is required. See MPEP § 324 for a proper showing under 37 CFR 3.73(b).

As to item (4), a new declaration is not required by 37 CFR 1.497(f) in the instant situation.

CONCLUSION

The request under 37 CFR 1.497(d) is **DISMISSED** without prejudice for the reasons set forth above.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Daniel Stemmer
Legal Examiner

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17 DEC 2007

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SUITE 800
WASHINGTON DC 20037

In re Application of	:	
WEGMANN et al.	:	
Application No.: 11/547,909	:	DECISION ON
PCT No.: PCT/EP2005/003780	:	
Int. Filing Date: 11 April 2005	:	PETITION UNDER
Priority Date: 09 April 2004	:	
Attorney Docket No.: Q97356	:	37 CFR 1.497(d)
For: METHOD FOR STRUCTURING A SUBSTRATE USING MULTIPLE EXPOSURE	:	

This decision is in response to applicants' renewed petition filed under 37 CFR 1.497(d) filed in the United States Patent and Trademark Office (USPTO) on 12 November 2007.

BACKGROUND

On 11 April 2005, applicant filed international application PCT/EP2005/003780 which designated the U.S. and claimed a priority date of 09 April 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 20 October 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 10 October 2006 (09 October 2006 being a Federal holiday).

On 10 October 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee.

On 31 May 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage were required.

On 30 July 2007, applicants filed a submission which was properly treated as a petition under 37 CFR 1.497(d). The petition was accompanied by a declaration of inventors and the surcharge under 37 CFR 1.492(h).

On 12 September 2007, a decision was mailed dismissing applicants' petition under 37 CFR 1.497(d) without prejudice. Specifically, it was noted that a statement from the person being added as an inventor had not been provided and that it was not clear whether there was an assignee. If there was an assignee, it was noted that the written consent of the assignee was required.

On 12 November 2007, applicants submitted the instant renewed petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a statement of the added inventor and a statement from the assignee.

DISCUSSION

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92*bis* subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in Sec. 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

As noted in the decision mailed 12 September 2007, item (2) has been met and item (4) is not required.

Item (1) has now been satisfied.

Item (3) has now been satisfied as well.

The declaration of inventors filed 30 July 2007 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with

this decision including processing the application in the name of Ulrich Wegmann, Gerd Reisinger, Manfred Maul, Paul Graeupner, Martin Schriever, and Aksel Goehnermeier as inventors.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
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03 APR 2009

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WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS MN 55402

In re Application of	:	
IBRAHIM et al.	:	
Serial No.: 11/547,930	:	DECISION ON
PCT No.: PCT/FR05/00516	:	
Int. Filing Date: 03 March 2005	:	PETITION UNDER
Priority Date: 06 April 2004	:	
Attorney's Docket No.: W51.12-0036	:	37 CFR 1.47(a)
For: CELLULAR RADIOTELEPHONE SIGNAL WHICH ENABLES SYNCHRONISATION.....	:	

This decision is on applicant's Petition under 37 CFR 1.47(b) filed in the United States Patent and Trademark Office (USPTO) on 27 January 2009 and treated as a petition under 37 CFR 1.47(a).[1] Petitioner requests a four month extension of time, which is granted.

BACKGROUND

On 30 July 2008, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 27 January 2009, applicant filed the response to the Notification of Missing Requirements along with a Petition under 37 CFR 1.47(a). Applicant requested a four month extension of time.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Item (1) is satisfied with the payment of the petition fee. Item (3) is satisfied because the last known address of the inventor was provided. As for Item (4), petitioner has provided a declaration submitted during the international stage under PCT Rule 4.17 and is executed by one of the joint inventors. This declaration satisfies 37 CFR 1.497(a) and (b) as it is executed by one of the joint inventors on his behalf and on behalf of the nonsigning inventor. Item (4) is satisfied.

---

[1] 37 CFR 1.47(b) applies whenever *all of the inventors* refuse to execute the application or cannot be found or reached after diligent effort. Here, where only one of the two joint inventors refuses to sign or is unavailable to sign the application, a petition under 37 CFR 1.47(a) is required.

With regard to Item (2), petitioner has submitted the declaration of Patrick Guene, a French patent attorney, representing Wavecom. Mr. Guene states that he conducted an internet search recently and confirmed the last known address of the non-signing inventor. A copy of the 17 November 2008 correspondence (and the English translation) Mr. Guene sent to Mr. Ibrahim indicates that a copy of the American Patent application, assignment, declaration and power of attorney were sent to Mr. Ibrahim for his signature.

Mr. Guene indicates that the Registered Letter receipt dated November 17, 2008 is proof of delivery to Mr. Ibrahim. However, the French Registered Letter receipt is not translated to confirm that Mr. Ibrahim *actually received* the papers. Other efforts to provide Mr. Ibrahim with a complete copy of the application papers including declaration and to contact Mr. Ibrahim (i.e. telephone calls, email, etc.) were not detailed in Mr. Guene declaration. Thus this is insufficient evidence to conclude that Mr. Ibrahim refuses to sign the application papers. See MPEP. 409.03(d). Item (2) is not satisfied.

Accordingly, Item (2) above has not yet been satisfied and the petition under 37 CFR 1.47(a) must be dismissed.

CONCLUSION

The petition under 37 CFR 1.47(a) 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 include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, 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.

/Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Tel: 571-272-3286
Fax: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

28 SEP 2009

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WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS MN 55402

In re Application of	:	
IBRAHIM et al.	:	
Serial No.: 11/547,930	:	DECISION ON
PCT No.: PCT/FR05/00516	:	
Int. Filing Date: 03 March 2005	:	PETITION UNDER
Priority Date: 06 April 2004	:	
Attorney's Docket No.: W51.12-0036	:	37 CFR 1.47(a)
For: CELLULAR RADIOTELEPHONE SIGNAL WHICH ENABLES SYNCHRONISATION.....	:	

This decision is on applicant's renewed Petition under 37 CFR 1.47(b) filed in the United States Patent and Trademark Office (USPTO) on 29 July 2009. Petitioner requests a two month extension of time, which is granted.

BACKGROUND

On 30 July 2008, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 27 January 2009, applicant filed the response to the Notification of Missing Requirements along with a Petition under 37 CFR 1.47(a). On 03 April 2009, a decision dismissing the petition was mailed. On 29 July 2009, applicant filed the instant response.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Petitioner previously satisfied Items (1), (3) and (4).

With regard to Item (2) above, the 37 CFR 1.47(a) applicant has now submitted the English translation of French Registered Letter receipt to confirm that Mr. Ibrahim actually received the application papers.

Petitioner has satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

For the above reasons, the petition under 37 CFR §1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 27 January 2009. The application has an international filing date of 03 March 2005 under 35 U.S.C. 363, and a date of 27 January 2009 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Tel: 571-272-3286
Fax: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

28 SEP 2009

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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NICOLAS IBRAHIM
1, RUE BLEUETS
78180 MONTIGNY LE BRETONNEUX
FRANCE

In re Application of	:	
IBRAHIM et al.	:	
Serial No.: 11/547,930	:	DECISION ON
PCT No.: PCT/FR05/00516	:	
Int. Filing Date: 03 March 2005	:	PETITION UNDER
Priority Date: 06 April 2004	:	
Attorney's Docket No.: W51.12-0036	:	37 CFR 1.47(a)
For: CELLULAR RADIOTELEPHONE SIGNAL WHICH ENABLES SYNCHRONISATION.....	:	

Dear Mr. Ibrahim:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in 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.

Cynthia M. Kratz
Attorney Advisor
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Telephone: (571) 272-3286

WESTMAN CHAMPLIN & KELLY, P.A.
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900 SECOND AVENUE SOUTH
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UNITED STATES PATENT AND TRADEMARK OFFICE

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 05/05/2010

Applicant	: Bernard Becker	: DECISION ON REQUEST FOR
Patent Number	: 7628589	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/547,943	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **376** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Gotthilf Koerner	: DECISION ON REQUEST FOR
Patent Number	: 7653837	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/547,949	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/08/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **345** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

07 NOV 2006

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The Watson IP Group, PLC
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In re Application of :
PRESTON, et al. :
Application No.: 11/547,982 : DECISION ON PETITION
PCT No.: PCT/GB04/01957 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 06 May 2004 :
Priority Date: 06 May 2003 :
Attorney Docket No.: FLY-061612-PCT :
For: LIQUID BARRIER ASSEMBLY AND
CONNECTOR THEREFOR

The petition to revive under 37 CFR 1.137(b) filed 10 October 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE WATSON IP GROUP PLC
3133 HIGHLAND DRIVE, SUITE 200
HUDSONVILLE, MI 49426

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SEP 17 2008

In re Application of	:	
Williams et al.	:	
Application No. 11/547,982	:	ON PETITION
Filed: October 10, 2006	:	
Attorney Docket No. FLY-061612	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 2, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Issue Fee Transmittal with payment of the issue and publication fees, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

09 APR 2009

United States Patent and Trademark Office

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HOWREY LLP-CA
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH VA 22042-2924

In re Application of :
Forchhammer et al. :
Application No. 11/547,986 :
Int. App. No.: PCT/US2005/013435 :
Int. Filing Date: 19 April 2005 : DECISION
Priority Date: 23 April 2004 :
Atty. Docket No.: 02716.0012.PCUS00 :
For: Method Of Preventing Or Reducing :
Haze In A Beverage Using Silane- :
Treated Silica Filter Media :

This is in response to applicants'"Response To Notification Of Missing Requirements" filed on 11 April 2008.

BACKGROUND

This international application was filed on 19 April 2005, claimed an earliest priority date of 23 April 2004, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 23 October 2006. Applicants filed, *inter alia*, a basic national fee on 05 October 2006. A declaration was filed on 09 October 2007.

On 08 April 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b), and stating that "the declarations appear to be incomplete, you have submitted one (1) page of the declaration, three(3) pages numbered 2 and one(1) page 3."

DISCUSSION

Counsel states (in part) that

> There were three pages of Inventor Declaration. The second page of the Inventor Declaration required three signatures. Because the three inventors (on page 2) were located in different cities, the second page was signed separately and submitted as three separate sheets. Page 1 and Page 3 were submitted as a single sheet each. There was no missing sheet or duplicate sheet in the submission.

Review of the declaration filed on 09 October 2007 reveals that, in fact, it consisted of single sheets 1 and 3, as well as three sheets ("2") nominating the inventors and each signed by a different individual inventor. It appears that the sheets were signed separately, and later aggregated to arrive at the document submitted. Applicants' attention is drawn to MPEP 201.03, which explains (in part) that

> 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. For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with A's signature, and a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not).

In view of this policy, it would not be appropriate to accept the declaration as filed on 09 October 2007. Applicants should submit complete copies of the declaration documents as actually signed by the inventors. If the inventors did not sign complete copies of the declaration (each naming the entire inventive entity and containing all of the required statements), newly executed declaration(s) will be required.

DECISION

The declaration filed on 09 October 2007 is **NOT ACCEPTED**, without prejudice.

This application will be returned to the Office of Patent Application Processing for the preparation and mailing of a Notification of Defective Response (Form PCT/DO/EO/916) requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/547,993	10/09/2006	Cecilia Anna Wilhelmina Geuijen	2578-7981US	6397

7590 10/22/2007

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

EXAMINER	
SANG, HONG	

ART UNIT	PAPER NUMBER
1643	

NOTIFICATION DATE	DELIVERY MODE
10/22/2007	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. ☐ 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.

Patent Publication Branch
Office of Data Management

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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Mail Date: 04/21/2010

Applicant	: Martin Baier	: DECISION ON REQUEST FOR
Patent Number	: 7642673	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/548,036	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

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APR 02 2009

OFFICE OF PETITIONS

In re Application of	:	
Jack WOLOSEWICZ, et al	:	
Application No. 11/548,039	:	DECISION ON PETITION
Filed: October 10, 2006	:	TO WITHDRAW
Attorney Docket No. 21195-003001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 5, 2009.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that all of the acts noted above have been performed. Please see the attached form SB/83 Request for Withdrawal as Attorney or Agent.

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 the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: MEDIACLAW
3450 SACRAMENTO STREET, STE. 327
SAN FRANCISCO, CA 94118

cc: FISH & RICHARDSON P.C.
500 ARGUELLO STREET, SUITE 500
REDWOOD CITY, CA 94063

Attachment: SB/83 – Withdrawal of Attorney or Agent

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

MAILED

MAY 26 2009

OFFICE OF PETITIONS

In re Application of :
Jack WOLOSEWICZ, et al :
Application No. 11/548,039 : DECISION ON PETITION
Filed: October 10, 2006 : TO WITHDRAW
Attorney Docket No. 21195-003001 : FROM RECORD
:

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 20, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Kirk A. Gottlieb on behalf of all attorneys of record.

All attorneys of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: JACK WOLOSEWICZ
1592 UNION STREET #21
SAN FRANCISCO, CA 94123

cc: MEDIACLAW
3450 SACRAMENTO STREET,
SUITE 327
SAN FRANCISCO, CA 94118

cc: KIRK A. GOTTLIEB
FISH & RICHARDSON PC
500 ARGUELLO STREET #500
REDWOOD CITY, CA 94063

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JACK WOLOSEWICZ
1592 UNION STREET #21
SAN FRANCISCO, CA 94123

MAILED

MAY 26 2009

OFFICE OF PETITIONS

In re Application of :
Jack WOLOSEWICZ, et al :
Application No. 11/548,039 : DECISION ON REQUEST FOR
Filed: October 10, 2006 : REVOCATION OF POWER
Attorney Docket No. 21195-003001 : OF ATTORNEY
:

This is a decision on the Request to Revoke the attorney or agent of record under 37 C.F.R. § 1.36(a), filed April 13, 2009.

The request is **NOT APPROVED**.

A power of attorney, pursuant to § 1.32(b), may be revoked at any stage in the proceeding of a case by an applicant for patent (§ 1.41(b)) or an assignee of the entire interest of the applicant under § 3.71(b). Fewer than all of the applicants (or by fewer than the assignee of the entire interest of the applicant) may only revoke the power of attorney upon a showing of sufficient cause, and payment of the petition fee set forth § 1.17(h). For the assignee to take action a proper statement under § 3.73(b) is required.

The request cannot be approved because a proper statement under 37 CFR 3.73(b) has not be submitted.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: JACK WOLOSEWICZ
MEDIACLAW CORP.
3450 SACRAMENTO ST., #327
SAN FRANCISCO, CA 94118

UNITED STATES PATENT AND TRADEMARK OFFICE

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8/31/09

Patent No. :7552827
Ser. No. :11548044
Inventor(s) :Thomas Meneke et al.
Issued : 6/30/09
Title : SYSTEM AND METHODS OF SEPARATING MANURE FROM A MANURE AND BEDDING MIXTURE
Docket No. :

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this mater, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

A certificate of correction will be issued to correct the remaining errors noted in your request.

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

One Dayton Centre
One South Main Street., Suite 1300
Dayton, Ohio 45402-2023

HR

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

Mail Date: 05/11/2010

Applicant	: Jongho PARK	: DECISION ON REQUEST FOR
Patent Number	: 7630742	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/548,102	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **565** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

Mail Date: 04/21/2010

Applicant	: Katsuhiro Kaneko	: DECISION ON REQUEST FOR
Patent Number	: 7652421	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/548,120	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **481** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

Mail Date: 05/18/2010

Applicant : Katsuhiro Kaneko
Patent Number : 7652421
Issue Date : 01/26/2010
Application No: 11/548,120
Filed : 10/10/2006

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **516** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/548,121	10/10/2006	Frederic Milesi	007035.00038	4867

22908 7590 02/26/2008

BANNER & WITCOFF, LTD.
TEN SOUTH WACKER DRIVE
SUITE 3000
CHICAGO, IL 60606

EXAMINER	
KOONTZ, TAMMY J	

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
02/26/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/548,121	10/10/2006	Frederic Milesi	007035.00038	4867

7590 02/27/2008

BANNER & WITCOFF, LTD.
TEN SOUTH WACKER DRIVE
SUITE 3000
CHICAGO, IL 60606

EXAMINER	
KOONTZ, TAMMY J	

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
02/27/2008	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

02 FC:1111 500.00 CR

Notice of Abandonment	Application No.	Applicant(s)	
	11/548,121	MILESI ET AL.	
	Examiner	Art Unit	
	Not Assigned	None	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
   (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
   (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
   (d) ☐ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
   (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.
   The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.
   (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
   (b) ☐ No corrected drawings have been received.

4. ☑ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

/Rick Clemons/ ☐☐Administrative Assistant☐☐Art Unit: 3900

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

UNITED STATES PATENT AND TRADEMARK OFFICE

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THE LAW OFFICE OF PATRICK B. LAW
912 N. DUNTON AVE.
ARLINGTON IL 60004

MAR 26 2007

In re Application of: MUELLER	:	
Serial No.: 11/548,125	:	DECISION ON PETITION TO
Filed: October 10, 2006	:	MAKE SPECIAL FOR NEW
Title: APPARATUS AND METHODS FOR VARYING	:	APPLICATION UNDER 37
VALVE LIFT IN AN INTERNAL COMBUSTION	:	C.F.R. § 1.102 & M.P.E.P. §
ENGINE	:	708.02

This is a decision on the petition filed on January 26, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention;
5. The petition must be filed with the application.

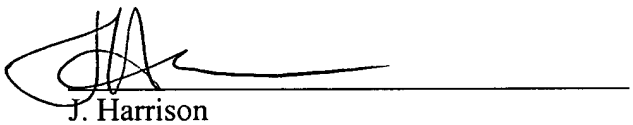
The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the petition was not filed with the application. Additionally, more than 20 total claims were filed.

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. Applications filed before the effective date will not be eligible for the revised accelerated examination program. The effective date of the change in practice was August 25, 2006. Thus the instant petition must be reviewed under the revised practice and the instant application is ineligible.

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. 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 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

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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QUARLES & BRADY LLP
RENAISSANCE ONE
TWO NORTH CENTRAL AVENUE
PHOENIX AZ 85004-2391

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of

Steve Jay Meyer
Application No. 11/548,137
Filed: October 10, 2006
Attorney Docket No. 125929.00003

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 May 7, 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 Bradley K. DeSandro on behalf of all attorneys of record who are associated with Customer No. 26707.

All attorneys/agents associated with the Customer No. 26707 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 Steve Jay Meyer at the address indicated in the request.

The application became abandoned for failure to respond to the non-final Office action mailed December 12, 2008.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: Steve Jay Meyer
1143 Windbrooke Drive, Apt. #101
Buffalo Grove, IL 60089

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/548,137	10/10/2006	Steve Jay Meyer	125929.00003

CONFIRMATION NO. 4894

POWER OF ATTORNEY NOTICE

26707
QUARLES & BRADY LLP
RENAISSANCE ONE
TWO NORTH CENTRAL AVENUE
PHOENIX, AZ 85004-2391

Date Mailed: 06/22/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/07/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APR 15 2010

OFFICE OF PETITIONS

MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND WA 98052

In re Application of :
Nayak, et al. :
Application No. 11/548,155 : ON PETITION
Filed: October 10, 2006 :
Attorney Docket No. 317514.01 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed February 9, 2010.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action, mailed May 29, 2009. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on August 30, 2009. The Office mailed a Notice of Abandonment on December 18, 2009.

With the instant petition, applicants made the proper statement of unintentional delay, paid the petition fee, and filed the required reply in the form of an Amendment.

The application is being forwarded to Group Art Unit 2449 for consideration of the Amendment, filed February 9, 2010.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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HOLLAND & HART, LLP
P.O BOX 8749
DENVER CO 80201

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JAN 29 2008

OFFICE OF PETITIONS

In re Application of :
EWING, et al. :
Application No. 11/548,175 : DECISION ON PETITION
Filed: October 10, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. **7273-70539-07** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 23, 2007 and re-submitted January 14, 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 statement and driver's license of inventor Carrel W. Ewing, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the technology center at 571-272-1700.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the Technology Center AU 2154 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHERYL H. AGRIS
103 IDEN AVENUE
PELHAM MANOR, NY 10803

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NOV 13 2008

OFFICE OF PETITIONS

In re Application of	:	
Anthony TESORIERO, JR., et al	:	
Application No. 11/548,176	:	DECISION ON PETITION
Filed: October 10, 2006	:	TO WITHDRAW
Attorney Docket No. DB-29001-US-PR1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed September 22, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Cheryl H. Agris does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: CHERYL H. AGRIS PHD
PO BOX 806
PELHAM, NY 10803

UNITED STATES PATENT AND TRADEMARK OFFICE

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KLARQUIST SPARMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

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JUN 15 2007

OFFICE OF PETITIONS

In re Application of :
Carrel W. EWING, et al :
Application No. 11/548,187 : DECISION ON PETITION
Filed: October 10, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. 7273-70539-08 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 23, 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 signed by applicant Carrel W. Ewing. 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 2115 for action on the merits commensurate with this decision.

April Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Chernoff, Vilhauer, McClung & Stenzel
1600 Ods Tower
601 SW Second Avenue
Portland, OR 97204-3157

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AUG 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Qingyue Ling, et al.	:	
Application No. 11/548,212	:	DECISION ON PETITION
Filed: October 10, 2006	:	TO WITHDRAW
Attorney Docket No. 8729.0009	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 18, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Chernoff, Vilhauer, McClung & Stenzel has been revoked by the assignee of the patent application on May 23, 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: **Galen D. Kaufman**
101 Cibolo Branch Drive
Boerne, TX 78006

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KIRTON AND MCCONKIE
60 EAST SOUTH TEMPLE,
SUITE 1800
SALT LAKE CITY UT 84111

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FEB 22 2010

In re Application of	:	
Ruben F. Lah	:	
Application No. 11/548,233	:	DECISION GRANTING PETITION
Filed: October 10, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 9312.118	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, February 22, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 6, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 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 Johnson
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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PERKINS COIE LLP/MSFT
P. O. BOX 1247
SEATTLE, WA 98111-1247

Mail Date: 04/20/2010

Applicant	: Feng Jing	: DECISION ON REQUEST FOR
Patent Number	: 7657504	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/548,244	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **52** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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PATENT LAW OFFICES OF RICK MARTIN, PC
PO BOX 1839
LONGMONT, CO 80502

MAILED

JUN 03 2010

OFFICE OF PETITIONS

In re Application of :
Ernest Peter Tovani :
Application No. 11/548,246 : ON PETITION
Filed: October 10, 2006 :
Attorney Docket No. 891-002-1 :

This is a decision on the petition under 37 CFR 1.137(a), filed March 22, 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 Notice Requiring Excess Claims Fees (Notice), mailed June 25, 2009 , which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 26, 2009.

The petition satisfies the requirements of 37 CFR 1.137(a) in that petitioner has supplied (1) the required reply in the form of excess claims fees; (2) the petition fee of $270; and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable.

This application is being referred to Technology Center technical support staff of AU 3612 to act on the reply received April 27, 2009.

Telephone inquiries concerning this decision should 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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BRIGGS AND MORGAN P.A.
2200 IDS CENTER
80 SOUTH 8TH ST
MINNEAPOLIS MN 55402

MAILED

JUL 09 2010

OFFICE OF PETITIONS

In re Application of :
John Leo MALLOY :
Application No. 11/548,254 : DECISION ON PETITION
Filed: October 10, 2006 :
Attorney Docket No. 34221.6 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 14, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before April 19, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed January 19, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 20, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755 and publication fee of $300; (2) the petition fee of $810; and (3) the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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LAW OFFICE OF YANG & LAN
SUITE #504
39-01 MAIN STREET
FLUSHING, NY 11354

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JAN 10 2008

OFFICE OF PETITIONS

In re Application of :
Ding, Yi :
Application No. 11/548,335 : ON PETITION
Filed: October 11, 2006 :
Attorney Docket No. 2006-10-11 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 6, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed March 5, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on May 6,2007. A Notice of Abandonment was mailed on November 16, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.[2]

[1] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

[2] See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item (2). Petitioner only submitted $625.00 towards payment of the $770.00 petition fee. Accordingly, an additional $145.00 is required.

Further, there is no signature on the petition. The petition must be signed by:

(1) An attorney or agent of record appointed in compliance with § 1.34(b);
(2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
(3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;
(4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undividing part interest; or
(5) All of the applicants (§§ 1.42. 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.

A signed petition should be submitted.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAW OFFICE OF YANG & LAN
SUITE #504
39-01 MAIN STREET
FLUSHING, NY 11354

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FEB 21 2008

In re Application of	:	
Ding, Yi	:	
Application No. 11/548,335	:	DECISION ON PETITION
Filed: October 11, 2006	:	
Attorney Docket No. 2006-10-11	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 18, 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 substitute specification and a new oath/declaration, (2) the full 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 the Office of Patent Application Processing for further processing. Thereafter, the application will be referred to Technology Center 3700 for examination in due course.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MAY 12 2008

OFFICE OF PETITIONS

BASF CATALYSTS LLC
100 CAMPUS DRIVE
FLORHAM PARK NJ 07932

In re Application of :
Steven Jones :
Application No.: 11/548,361 : ON PETITION
Filed: October 11, 2006 :
Attorney Docket No:5221B :

This is in response to the petition under 37 CFR 1.137(b) filed November 23, 2007.

The petition under 37 CFR 1.137(b) is **granted**.

On March 5, 2007, a "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office allowing a two-month period for reply. Extension of time were available pursuant to 37 CFR 1.136(a). The Notice required an proper oath or declaration, $130.00 surcharge, and replacement drawings. A proper response was not received within the allowable period, and the application became abandoned on May 6, 2007. A Notice of Abandonment was mailed on November 19, 2007.

The declaration and replacement drawings filed November 23, 2007, are noted and made of record.

The request for an extension of time within the fourth month made November 23, 2007, is noted, but cannot be granted as the request was made outside the maximum period for reply to the Notice. The amount of $1640.00 will refunded to deposit account 05-1070, accordingly.

This application is being forwarded to the Office of Patent Application Processing 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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FROM DIRECTORS OFFICE

NOV 0 3 2005

TECHNOLOGY CENTER 3600

Robert D. Fish
Rutan & Tucker LLP
611 Anton Blvd. 14th Floor
Costa Mesa, CA 92626-1931

In re application of
Scott Struthers et al.
Application No. 11/548,381
Filed: October 11, 2006
For: DEVICES AND METHODS FOR FLANGELESS INSTALLATIONS

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This is a decision on the petition filed on October 11, 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 **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special 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), must satisfy the following conditions:

I. Conditions Regarding the Application:

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. at the time of filing, the application 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.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The petition fails to comply with conditions II.5.2, II.6.2, and II.6.3, above.

As to condition II.5.2, the petition lacks an indication of a preexamination search that encompasses all of the features of the claims. Specifically, with respect to the classification search, in addition to searching classes 181 and 381, the search missed class 248 (which is the class where the application be classified), subclasses 200, 220.21, 205.1, and 300. With respect to the text search of the US Patents database, the petition lacks sufficiently specific search logic. The USPTO website has an example of the proper manner of performing and documenting a preexamination search for Accelerated Examination petitions at: http://www.uspto.gov/web/patents/accelerated/. Furthermore, a sample of search logic to be used in this application is provided below:

> (speaker or audio or grille or grill or plasma or television or tv or computer or monitor) near9 (mount or bracket or support or member) same (frame or cover or rim or flange) same (wall or wallboard or panel)

This sample search logic is not meant to be the sole search logic that can be employed in this application, but is meant solely as an example for applicant's assistance.
The database search outlined in the Search Document also is not sufficient to be said to encompass all the features of the claims. The USPTO website has search templates that are broken down by class and subclass classification and provides a listing of the websites to be searched when dealing with claimed subject matter in those classifications at:
http://www.uspto.gov/web/patents/searchtemplates/searchtemplates.htm.
The sample search logic provided above can also apply to searching the NPL databases.

As to conditions II.6.2 and II.6.3, there is not an adequate listing of all the limitations in each of the claims that are disclosed in each of the cited references, specifying where each of the limitations are disclosed in each of the references. Nor is there a detailed explanation of claim Patentability over each of the references. A total of 16 pieces of prior art have been submitted, but the Accelerated Examination Support Document (AESD) only provides the required listing of claim limitations shown the references and detailed explanation of how the claims are patentable over the references, for a single reference. The USPTO website has an example of the proper manner of documenting limitations taught by cited art for an Accelerated Examination Support Document at: http://www.uspto.gov/web/patents/accelerated/.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

For the above-stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Steven N. Meyers, Special Program Examiner, at (571) 272-6611.

Steven N. Meyers,
Special Program Examiner
Technology Center 3600

Sm/sm: 10/24/06

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P.O. Box 1450
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DEC 11 2009

OFFICE OF PETITIONS

NAVAL RESEARCH LABORATORY
ASSOCIATE COUNSEL (PATENTS)
CODE 1008.2
4555 OVERLOOK AVENUE SW
WASHINGTON DC 20375-5320

In re Application of :
Rogers, et al. :
Application No. 11/548,406 : ON PETITION
Filed: October 11, 2006 :
Attorney Docket No. 97911-US2 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed July 15, 2009.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action, mailed December 12, 2008. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on March 13, 2009. The Office mailed a Notice of Abandonment on July 14, 2009.

With the instant petition, applicant made the proper statement of unintentional delay, paid the petition fee, and filed the required reply in the form of an Amendment.

The application is being forwarded to Group Art Unit 1611 for consideration of the Amendment, filed July 15, 2009.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Kermit Robinson
DALY, CROWLEY, MOFFORD & DURKEE, LLP
Suite 301A
354A Turnpike Street
Canton MA 02021-2714

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MAY 04 2007

OFFICE OF PETITIONS

In re Application of :
Rooney, III, et al. : ON PETITION
Application No.: 11/548,418 :
Filed: October 11, 2006 :
Attorney Docket No.: RTN-276AUS :

A partial petition under 37 CFR 1.47(a) was received in the United States Patent and Trademark Office (Office) on April 17, 2007.

Petitioners are reminded that a grantable petition under 37 CFR 1.47(a) requires:

(1) a petition including proof of the pertinent facts establishing that the joint inventor 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 as specified in 37 CFR § 1.17(g), and
(4) the last known address of the omitted inventor.

The Office received a declaration of Kermit Robinson under 37 CFR 1.47. However, the formal petition under 37 CFR 1.47(a) is missing. Once the formal petition under 37 CFR 1.47(a) is filed, the petition fee will be charged to deposit account no. 50-0845, pursuant to the general authorization present in the Response to Notice to File Missing Parts of Application, filed April 17, 2007.

The petition under 37 CFR 1.47(a) is **dismissed**.

Petitioners must submit the petition fee within **TWO (2) months** of the mail date of this decision. **Failure to respond will result in abandonment of the application.**

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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RAYTHEON COMPANY
C/O DALY, CROWLEY, MOFFORD & DURKEE, LLP
354A TURNPIKE STREET
SUITE 301A
CANTON MA 02021

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MAY 24 2007

OFFICE OF PETITIONS

In re Application of :
Rooney, III, et al. : ON PETITION
Application No.: 11/548,418 :
Filed: October 11, 2006 :
Attorney Docket No.: RTN-276AUS :

This decision is in response to the petition under 37 CFR 1.47(a), filed May 10, 2007.

The petition is **GRANTED.**

Petitioners have shown that the non-signing inventor, James Miller, has expressly refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the exhibits to the declaration by Attorney Kermit Robinson establish that Mr. Miller received numerous copies of the application, declaration, and assignment, but Mr. Miller repeatedly refused to join in the filing of the application via e-mails. Petitioners have submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After the mailing of this decision, the application will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HAMILTON & TERRILE, LLP
P.O. BOX 203518
AUSTIN TX 78720

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OFFICE OF PETITIONS

In re Application of :
Austin P. Bolen et al. :
Application No. 11/548,436 : DECISION ON PETITION
Filed: October 11, 2006 :
Attorney Docket No. DC-04918A :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 13, 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 December 15, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed. September 15, 2008. Accordingly, the date of abandonment of this application is December 16, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Data Management for processing into a patent.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COOLEY GODWARD KRONISH LLP
ATTN: PATENT GROUP
777-6TH STREET, N.W., SUITE 1100
WASHINGTON, DC 20001

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DEC 07 2007

OFFICE OF PETITIONS

In re Application of :
Robert John Carlson et al :
Application No. 11/548,456 : DECISION ON PETITION
Filed: October 11, 2006 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. INTL-001/00US 306864-2001 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed May 18, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Irvin Dingle at (571) 272-3210. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 2165 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

Frances Hicks
Petition Examiner
Office of Petitions

cc: Cooley Godward Kronish LLP
ATTN: Patent Group
1200 19th Street, N.W., 5th Floor
Washington, DC 20036

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/548,456	10/11/2006	2165	1890	INTL-001/00US 306864-2001	72	4

CONFIRMATION NO. 5404

CORRECTED FILING RECEIPT

22903
COOLEY GODWARD KRONISH LLP
ATTN: PATENT GROUP
Suite 1100
777 - 6th Street, NW
WASHINGTON, DC 20001

Date Mailed: 12/04/2007

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Robert John Carlson, Lovettsville, VA;
Charles Andrew Clarkson, Ponte Vedra Beach, FL;
Sherif A. Elfayoumy, Jacksonville, FL;
Rengaswamy Mohan, Jacksonville, FL;
Usha Mohan, Jacksonville, FL;
Sripriya Mukundan, Kendall Park, NJ;

Power of Attorney: The patent practitioners associated with Customer Number 22903

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/724,914 10/11/2005

Foreign Applications

If Required, Foreign Filing License Granted: 12/26/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/548,456**

Projected Publication Date: 03/13/2008

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

System, method & computer program product for concept-based searching & analysis

Preliminary Class

707

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
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PORTLAND OR 97204

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JUN 29 2007

OFFICE OF PETITIONS

In re Application of :
Carrel W. Ewing, et al. :
Application No. 11/548,471 : DECISION ON PETITION
Filed: October 11, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. 7273-70199-03 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 23, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant Carrel W. Ewing. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2836 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

MAILED

MAR 11 2010

OFFICE OF PETITIONS

In re Application of :
Jonathan SHELON, et *al.* :
Application No. 11/548,494 : DECISION ON PETITION
Filed: October 11, 2006 : UNDER 37 CFR 1.313(c)(1)
Attorney Docket No. **08575-131001** :

This is a decision on the petition under 37 CFR 1.313(c), filed March 8, 2010, 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.

The petition under 37 CFR 1.48(a) has been referred to Technology Center 3600 for processing.

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 the undersigned at (571) 272-7253.

/Monica A. Graves/
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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FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

MAILED

MAR 25 2010

OFFICE OF PETITIONS

In re Application of :
Jonathan SHELON, et *al.* :
Application No. 11/548,494 : DECISION GRANTING PETITION
Filed: October 11, 2006 : UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. **08575-131001** :

This is a decision on the renewed petition under 37 CFR 1.313(c)(3), filed March 17, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioner requests that the above-identified application be withdrawn from issue for express abandonment in favor of a continuing application under 37 CFR 1.53(b).

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/.
Petitions Examiner, Office of Petitions

cc: **FISH & RICHARDSON, PC**
225 FRANKLIN STREET
BOSTON, MA 02110

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

Mail Date: 05/28/2010

Applicant	: Go TAKATA	: DECISION ON REQUEST FOR
Patent Number	: 7622873	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/548,495	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/548,508	10/11/2006	Shaun A. Kaasten	003797.01947	5483

28319 7590 03/12/2008

BANNER & WITCOFF, LTD.
ATTORNEYS FOR CLIENT NOS. 003797 & 013797
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

EXAMINER	
GAFFIN, JEFFREY A	

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
03/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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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Jordan N. Bodner
BANNER & WITCOFF, LTD.
Attorneys for Client Nos. 003797 & 013797
1100 13th Street, N.W.
Suite 1200
Washington, DC 20005-4051

In re Application of:
Shaun KAASTEN.
Appl. No.: 11/548,508
Filed: October 11, 2006
For: SYSTEM AND METHOD FOR FILTERING AND ORGANIZING ITEMS BASED ON COMMON ELEMENTS

DECISION ON PETITION
UNDER 37 CFR 1.59

This is a decision on the petition under 37 CFR 1.59(b), filed on 07 February 2008, to expunge information submitted on 31 January 2008.

The petition is **GRANTED**.

Petitioner requests that the information having a doc-code "NPL" (total of 19 pages) dated on 31 January 2008 be expunged from the record. Petitioner states that this information is containing confidential and privileged communication and was inadvertently electronically filed in this application. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The expunged materials have been closed from public view and will not be returned to applicant.

It is noted that the instant application has been published on April 19, 2007. Thus, the aforementioned information submitted on 31 January 2008 has already been made available to the public and subject to copying by the public. According, the Office cannot guarantee that the information being closed as a result of this decision was not previously accessed by the public.

Applicant is required to retain the expunged documents for the life of any patent, which issues on the above-identified application.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture, Software, and
Information Security

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MACMILLAN SOBANSKI & TODD, LLC
ONE MARITIME PLAZA FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604-1619

Mail Date: 04/21/2010

Applicant	: Chris Frano	: DECISION ON REQUEST FOR
Patent Number	: 7571502	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/548,534	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **335** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/548,536	10/11/2006	Hideyuki YAMAKAWA	297617US2	5524

7590 09/15/2008

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
09/15/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Refund Ref:
09/15/2008 0030061104

Credit Card Refund Total: $700.00

Am Exp..: XXXXXXXXXXX1001

Adjustment date: 09/15/2008 NFARMER
10/12/2006 INTEFSW 00000245 11548536
02 FC:1111 -500.00 OP
04 FC:1201 -200.00 OP

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
6TH FLOOR
DALLAS, TX 75201

Mail Date: 04/20/2010

Applicant	: Marcus Felipe Fontoura	: DECISION ON REQUEST FOR
Patent Number	: 7577644	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/548,548	: OF WYETH
Filed	: 10/11/2006	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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WEISS & MOY PC
4204 NORTH BROWN AVENUE
SCOTTSDALE AZ 85251

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MAR 15 2010

In re Application of :
William S. STEARNS et al. :
Application No. 11/548,589 : DECISION ON PETITION
Filed: October 11, 2006 :
Attorney Docket No. **4444P2998** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 08, 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 21, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A three (3) months extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is September 23, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405, and the submission required by 37 CFR 1.114; (2) the petition fee of $810; and (3) a proper statement of unintentional delay. Accordingly, the reply to the final Office Action of March 21, 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 3714 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

OCT - 3 2007

In re Application of	:	
Chenniah Nanjundiah, Larry Hawn, and Jeffrey Dotson	:	DECISION ON
Serial Number: 11/548,611	:	PETITION UNDER
Filed: October 11, 2006	:	M.P.E.P. 708.02(IV)
For: CHLORINE DIOXIDE SOLUTION GENERATOR	:	

This is in response to the petition filed September 4, 2007, requesting that the above-identified application be granted Special Status under Section 708.02 (IV) of the MPEP and 37 CFR 1.102(c)

The petition has been considered and found to comply with the requirements set forth under the above-noted section. Accordingly, the petition is granted.

The petition is **GRANTED**.

William Krynski, Quality Assurance Specialist
Technology Center 1700
Chemical and Materials Engineering

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BEYER LAW GROUP LLP
P.O. BOX 1687
CUPERTINO CA 95015-1687

MAILED

JUL 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Jay C. WEBER, et al	:	
Application No. 11/548,618	:	DECISION ON PETITION
Filed: October 11, 2006	:	TO WITHDRAW
Attorney Docket No. MEDIP001	:	FROM RECORD
	:	

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 **APPROVED**.

A grantable request to withdraw as attorney/agent of record must 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 Edward Van Gieson on behalf of the attorneys of record associated with Customer No. 58766

The attorneys of record associated with Customer No. 58766 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/dcg/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: JAY C. WEBER
3110 BANDERA DRIVE
PALO ALTO CA 94304

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
11/548,618	10/11/2006	Jay C. Weber	MEDIP001

CONFIRMATION NO. 5669

POWER OF ATTORNEY NOTICE

58766
Beyer Law Group LLP
P.O. BOX 1687
Cupertino, CA 95015-1687

OC000000042448028

Date Mailed: 07/07/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/18/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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STONEMAN VOLK PATENT GROUP
3770 NORTH 7TH STREET, SUITE 100
PHOENIX AZ 85014

COPY MAILED

JUL 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Oberhofer et al.	:	DECISION ON PETITION
Application No. 11/548,623	:	TO WITHDRAW
Filed: October 11, 2006	:	FROM RECORD
Attorney Docket No. P06621	:	

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 5, 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 D. Volk, Jr. on behalf of all attorneys of record who are associated with Customer No. 28548.

All attorneys/agents associated with Customer Number 28548 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee at the address indicated below.

Currently, there is an outstanding Office action mailed April 27, 2009 that requires a reply.

Telephone inquires concerning this decision should be directed to Petitions Examiner Joan Olszewski at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: David P. Oberhofer, Monet Design Co. Pty. Ltd.
Shop 3, 23 Premier Circuit
Warana, QLD 4575 AU

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:

Paper No : .....

DATE : 7/28/09

TO SPE OF : ART UNIT 1635 (1600)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/548,650 Patent No.: 7,507,810

Attn: Amy Bowman

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
South Tower - 9A22
Palm Location 7580

/ Certificates of Correction Branch /
Certificates of Correction Branch
703-308-9390 ext.122

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

■ **Approved**	All changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments:

The Request For Certificate Of Correction For Applicant's Mistake (37 CFR 1.323) has been considered and approved

/ Christopher S. F. Low /
Supervisory Patent Examiner, Art Unit 1636

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LEVINE BAGADE HAN LLP
2483 EAST BAYSHORE ROAD, SUITE 100
PALO ALTO CA 94303

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FEB 17 2009

OFFICE OF PETITIONS

In re Application of :
WUN, Jeffrey :
Application No. 11/548,654 : DECISION ON PETITION
Filed: October 11, 2006 : TO WITHDRAW
Attorney Docket No. KRSSNZ00100 : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 21, 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 Johney Han on behalf of all attorneys of record who are associated with customer No. 40518. All attorneys/agents associated with the Customer Number 40518 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 Jeffrey Wun at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **JEFFRY WUN**
CEO OF KAIROS SYSTEMS
46560 FREMONT BOULEVARD #103
FREMONT CA 94538

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JUL 0 1 2009

OFFICE OF PETITIONS

INTELLECTUAL PROPERTY STRATEGISTS, LLC
7908 CHARLESTON CT.
BETHESDA, MD 20817

In re Application of
Gregory R. Wolfe, et al.
Application No. 11/548,700
Filed: October 12, 2006
Attorney Docket No. MEG-003US

ON PETITION

This is a decision in response to the petitions filed May 27, 2009 and June 1, 2009, which are collectively being treated as a petition to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before February 10, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed November 10, 2008, which set a statutory period for reply of three (3) months. A Notice of Abandonment was mailed on March 6, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $1,510 issue fee and $300 publication fee; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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DEERFIELD IL 60015

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OFFICE OF PETITIONS

In re Application of :
Ahmed, et al. :
Application No. 11/548,715 : DECISION
Filed: 12 October, 2006 :
Attorney Docket No. 2006-17 :

This is a decision on the petition filed on 1 June, 2009, for revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b).

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. (However, it does not appear that a terminal disclaimer and fee are due here.)

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action mailed on 21 May, 2008, with reply due absent extension of time on or before 21 August, 2008.

Petitioner's amendments of 29 May and 8 July, 2008, were not entered by the Examiner and the Office mailed Notices of Non-compliant Amendment and Failure to Respond Acceptably, respectively on 30 June and 16 October, 2008.

The application went abandoned by operation of law after midnight 21 August, 2008.

The Office mailed the Notice of Abandonment on 15 May, 2009.

On 1 June, 2009, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b), with a reply in the form of an amendment, and made a statement of unintentional delay.

Again, Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

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.[1]

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).[2]
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.[3]))

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[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] 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.

[3] 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 37 C.F.R. §1.137(b) have been satisfied.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 1625 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[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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[4] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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BERTHOUD CO 80513

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OFFICE OF PETITIONS

In re Application of	:	
Arthur F. Nuemarkel	:	
Application No. 11/548,750	:	DECISION ON PETITION
Filed: October 12, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. NEUM01US01	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 12, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declarations statement signed by the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3721 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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BERTHOUD, CO 80513

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OFFICE OF PETITIONS

In re Application of :
Arthur F. Neumarkel :
Application No. 11/548,750 : ON PETITION
Filed: October 12, 2006 :
Attorney Docket No. NEUM01US01 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 21, 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** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of May 30, 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 (RCE) 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). Since the amendment submitted does not *prima facie* place the application in condition for allowance, the reply required must be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop PETITION Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314
By facsimile:	(571) 273-8300 ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

Attachment: Advisory Action

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 11/548,750	**Applicant(s)** NEUMARKEL, ARTHUR F.	
	Examiner RINALDI I. RADA	**Art Unit** 3721	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 2/12/08 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Rinaldi I Rada
SPE
Art Unit: 3721

Continuation of 3. NOTE: The proposed changes to claims 1 and 5 introducses language that changes the scope of the claims, requiring further considiration. Furthermore, the proposed changes does not appear to read over the prior art of record .

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OFFICE OF PETITIONS

KRAJEC PATENT OFFICES, LLC
820 WELCH AVENUE
BERTHOUD, CO 80513

In re Application of :
Arthur F. Neumarkel :
Application No. 11/548,750 : ON PETITION
Filed: October 12, 2006 :
Attorney Docket No. NEUM01US01 :

This is a decision on the paper (Request for Continued Examination) filed July 10, 2008, which is being treated as a renewed petition under the unintentional provisions of 37 CFR 1.137(b), 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 Request for Continued Examination (RCE) and fee of $405 and the submission required by 37 CFR 1.114; (2) the petition fee of $770; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This application is being referred to Technology Center AU 3721 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Irvin Dingle
Petition Examiner
Office of Petitions

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OVERLAND PARK, KS 66251-2100

Mail Date: 04/21/2010

Applicant	: Edgar C. Alcazaren	: DECISION ON REQUEST FOR
Patent Number	: 7586843	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/548,751	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **407** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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2040 MAIN STREET, FOURTEENTH FLOOR
IRVINE, CA 92614

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OFFICE OF PETITIONS

In re Application of :
Susan D. HOLDERMAN, et al. :
Application No. 11/548,824 : DECISION GRANTING PETITION
Filed: October 12, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **ZYMOGN.002DV4** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 2, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 1, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 1646 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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IRVINE, CA 92614

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OFFICE OF PETITIONS

In re Application of :
Susan D. Holderman, et al. :
Application No. 11/548,826 : DECISION GRANTING PETITION
Filed: October 12, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. ZYMOGN.002DV5 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 2, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 29, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1646 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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AT&T CORP.
ROOM 2A207
ONE AT&T WAY
BEDMINSTER, NJ 07921

In re Application of :
James David Johnston, et al. :
Application No. 11/548,833 : ON PETITION
Filed: October 12, 2006 :
Attorney Docket No. 1999-0104A-CON-1 :

This is a decision on the petition, filed November 7, 2008, which is being treated under the provisions of 37 CFR 1.137(b) to revive the above-identified application..

The above-identified application became abandoned for failure to respond in a timely manner to the Notice of Allowability mailed June 30, 2008. A Notice of Abandonment was mailed on October 23, 2008. On November 7, 2008, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (2) the petition fee of $1,620 and (3) an adequate statement of unintentional delay[1].

Accordingly, the petition is **GRANTED**.

The application is being referred to the Office of Data Management to oversee the review of the drawing filed on November 7, 2008.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Although the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement will be construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

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PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON TX 77056

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OFFICE OF PETITIONS

In re Application of	:	
HALLONQUIST and MAYER	:	DECISION GRANTING STATUS
Application No. 11/548,835	:	UNDER 37 CFR 1.47(a)
Filed: 10/12/2006	:	
Attorney Docket No. WEAT/0695	:	
Title: CONTROLLED SHARED LOAD CASING JACK SYSTEM	:	

This is in response to the petition under 37 CFR 1.47(a), filed March 28, 2007.

The petition is **GRANTED.**

Petitioners showed that the non-signing inventor refused to join in the filing of the above-identified application after having been mailed the application papers. Specifically, petitioners established that they mailed a copy of the application papers to the last known address of the non-signing inventor; however, he did not respond to the request to sign the declaration.

The 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 Technology Center AU 3672 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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David J. Hallonquist
9310-72 Ave. NW
Edmonton, Alberta
Canada T6E OY2

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OFFICE OF PETITIONS

In re Application of :
HALLONQUIST and MAYER :
Application No. 11/548,835 : LETTER
Filed: 10/12/2006 :
Attorney Docket No. WEAT/0695 :
Title: CONTROLLED SHARED LOAD CASING :
JACK SYSTEM :

Dear Mr. Hallonquist:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or (800) 972-6382 (outside the Washington, DC area).

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Cc: PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON TX 77056

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: 04/27/09

Patent No. : 7504309 B2
Ser. No. : 11/548,842
Inventor(s) : DYER, THOMAS W.
Issued : 03/17/09
Title : **PRE-SILICIDE SPACER REMOVAL**
Docket No. : **FIS920060280US1**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this mater, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (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) 305-8309 or (703) 308-9390 #112

FREDERICK W. GIBB, III
Gibb Intellectual Property Law Firm, LLC
2568-A RIVA ROAD
SUITE 304
ANNAPOLIS MD 21401

LMN

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Frederick W. Gibb, III
Gibb Intellectual Property Law Firm, LLC
844 West Street - Suite 100
Annapolis, MD 21401

MAILED
MAY 04 2010
OFFICE OF PETITIONS

In re Patent No. 7,504,309 :
Issue Date: March 17, 2009 :
Application No. 11/548,842 : ON PETITION
Filed: October 12, 2006 :
Patentee(s): Thomas W. Dyer, et. al. :

This is a decision on the petition filed December 16, 2009, which is being treated as a request under 37 CFR 3.81[1], to add the name of two additional assignees on the front page of the above-identified patent by way of a Certificate of Correction.

Since the present request complies with the requirements of 37 CFR 3.81, the request is **GRANTED**.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. Inquiries regarding the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

Andrea Smith
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
www.uspto.gov

MCKEE, VOORHEES & SEASE, P.L.C.
ATTN: PENNSYLVANIA STATE UNIVERSITY
801 GRAND AVENUE, SUITE 3200
DES MOINES, IA 50309-2721

Mail Date: 04/20/2010

Applicant	: M. A. Haque	: DECISION ON REQUEST FOR
Patent Number	: 7663495	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/548,868	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **502** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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JAMES B. CONTE
120 S. RIVERSIDE PLAZA, 22ND FLOOR
CHICAGO IL 60606

COPY MAILED

JUN 24 2008

OFFICE OF PETITIONS

In re Application of :

GNAN, Alfons :
Application No. 11/548,884 : DECISION ON PETITION
Filed: October 12, 2006 : TO WITHDRAW
Attorney Docket No. **926504-104328** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 21, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request "file responsibility was transferred" does not meet any of the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

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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3/1/10

Patent No. :7595306
Ser. No. :11/548890
Inventor(s) :DAVID BUMCROT
Issued :9/29/09
Title : METHOD OF TREATING NEURODEGENERATIVE DISEASE
Docket No. :

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this mater, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
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Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

A certificate of correction will be issued to correct the remaining errors noted in your request.

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

BRIAN M. HOFFMAN
FENWICK & WEST
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041
St. Louis, MO 63105

HR

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALNYLAM/FENWICK
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

MAILED

JUL 22 2010

OFFICE OF PETITIONS

In re Patent No. 7,595,306 :
Issue Date: September 29, 2009 : CORRECTED
Application No. 11/548,890 : DECISION ON PETITION
Filed: October 12, 2006 :
Attorney Docket No. 26421-15006 US :

This is a decision on the Request For Certificate Of Correction To Correct Assignee Information Under 3.81(b), filed June 9, 2010, which is being treated as a Petition Under 37 CFR 3.81(b), to accept the omission of the assignee's name. A completed Certificate of Correction Form (PTO/SB/44) was previously submitted on February 25, 2010.

The petition under 37 CFR 3.81(b) is **GRANTED**.

Petitioner requests that the present Petition was submitted to correct the omission of the assignee's name on the previously submitted PTOL-85B and such error was inadvertent. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to add the omitted assignee's name to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The requisite $100.00 fee (Fee Code 1811) as set forth under 37 CFR 1.20(a), and the requisite $130.00 processing fee (Fee Code 1464) as set forth under 37 CFR 1.17(i) have been submitted. 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 was previously submitted on February 25, 2010.

Inquiries related this communication should be directed to the undersigned 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. 7,595,306.

Cheryl Gibson-Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

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Stolowitz Ford Cowger LLP
621 SW Morrison St
Suite 600
Portland, OR 97205

Mail Date: 04/21/2010

Applicant	: Yin-Chun Huang	: DECISION ON REQUEST FOR
Patent Number	: 7649566	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/548,926	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : October 03,2007

TO SPE OF : ART UNIT 3683

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/548,939 Patent No.: 7261194 B2

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within 7 days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

DO NOT SENT TO ATTORNEY

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within **7** days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

Robert A Sicoreffi
SPE

3683
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

S.C. JOHNSON & SON, INC.
1525 HOWE STREET
RACINE, WI 53403-2236

Mail Date: 04/20/2010

Applicant	: Jeffrey J. Wolf	: DECISION ON REQUEST FOR
Patent Number	: 7604378	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/548,940	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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AKIN GUMP STRAUSS HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA PA 19103

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MAR 15 2007

OFFICE OF PETITIONS

In re Application of	:	
YU, Ruey J. et al.	:	
Application No. 11/548,945	:	DECISION ON PETITION
Filed: October 12, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 8976-245U2	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 30, 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 declarations of both inventors Ruey J. Yu and Eugene J. Van Scott, attesting to their 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 1617 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/548,954	10/12/2006	Akihiko Obama	XA-10433C	6184

181 7590 09/14/2007

MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

EXAMINER	
CHOI, WILLIAM C	
ART UNIT	**PAPER NUMBER**
2873	
MAIL DATE	**DELIVERY MODE**
09/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of	:	
OBAMA, Akihiko et al.	:	DECISION ON PETITION
Serial No.: 11/548,954	:	UNDER 37 CFR 1.48(b)
Filed: 10/12/2006	:	
For: ZOOM LENS SYSTEM	:	

In view of the papers filed on January 23, 20007 under 37 CFR 1.48(b), the inventorship in this nonprovisional application has been changed by the deletion of Akihiko OBAMA. Thus, the Petition is GRANTED.

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.

Ricky L. Mack
Supervisory Patent Examiner
Art Unit 2873

RATNERPRESTIA
P O BOX 980
VALLEY FORGE PA 19482-0980

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

Cameron Kerrigan
Squire, Sanders & Dempsey, LLP
Suite 300
One Maritime Plaza
San Francisco, CA 94111-3492

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OFFICE OF PETITIONS

In re Application of :
John L. Toner :
Application No. 11/548,974 : DECISION ON PETITION
Filed: October 12, 2006 :
Attorney Docket No. 890035.271 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 13, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed January 4, 2007. 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 case became abandoned on March 5, 2007. A Notice of Abandonment was mailed on September 10, 2007.

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.

As to item (1), the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed January 4, 2007, mentioned that replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) were required. Therefore, this application cannot be revived until corrected drawings have been 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, 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 Kimberly Inabinet at (571) 272-4618.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Cameron Kerrigan
Squire, Sanders, Dempsey, LLP
Suite 300
One Maritime Plaza
San Francisco, CA 94111-3492

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MAY 14 2008

OFFICE OF PETITIONS

In re Application of :
John L. Toner :
Application No. 11/548,974 :
Filed: October 12, 2006 :
Attorney Docket No. 065379.0036/6195P14US :

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 1, 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 Gregory M. Zinkl is no longer attorney of record in this application.

In view of the file record, the Oath and Declaration filed on November 13, 2007 appointed new counsel.

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.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272- 4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Gregory Zinkl
Dykema Gossett, PLLC
10 South Wacker Drive
Suite 2300
Chicago, IL 60606

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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Cameron Kerrigan
Squire, Sanders & Dempsey, LLP
Suite 300
One Maritime Plaza
San Francisco, CA 94111-3492

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SEP 2 6 2008

In re Application of :
John L. Toner :
Application No. 11/548,974 : DECISION ON PETITION
Filed: October 12, 2006 :
Attorney Docket No. 890035.271 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 4, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed January 4, 2007. 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 case became abandoned on March 5, 2007. A Notice of Abandonment was mailed on September 10, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form replacement drawings, (2) the petition fee of $770, and (3) a proper statement of unintentional delay. Accordingly the replacement drawings are accepted as being unintentionally delayed.

The petition decision mailed on March 4, 2008 dismissed the petition filed on November 13, 2007 for failure to provide replacement drawings. The renewed petition includes replacement drawings.

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 September 4, 2008.

Carl Friedman
Petitions Examiner
Office of Petitions

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SQUIRE, SANDERS & DEMPSEY LLP
1 MARITIME PLAZA
SUITE 300
SAN FRANCISCO CA 94111

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DEC 0 7 2009

OFFICE OF PETITIONS

In re Application of :
John L.TONER, et al. :
Application No. 11/548,974 :
Filed: October 12, 2006 :
Attorney Docket No. 089035.00271 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **NOT ACCEPTED**.

The fee deficiency cannot be accepted because no itemization has been submitted, as required by 37 CFR 1.28(C) (ii) which states:

(2) Payment of deficiency owed. The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

(ii) *Itemization of the deficiency payment.* An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/548,979	10/12/2006	HARALD KAUFMANN	436.0004CON	6219

25534 7590 02/18/2010

CAHN & SAMUELS LLP
1100 17th STREET NW
SUITE 401
WASHINGTON, DC 20036

EXAMINER	
ZIMMERMAN, JOSHUA D	

ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
02/18/2010	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.

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CAHN & SAMUELS LLP
1100 17th STREET NW
SUITE 401
WASHINGTON DC 20036

In re Application of
Harald KAUFMANN
Application No.: 11/ 548,979
Filed: 12 October 2006
Attorney Docket No.: 436.0004CON
For: SCREEN PRINT REFLECTION TRANSFER AND PROCESS FOR THE MANUFACTURE THEREOF

: DECISION ON REQUEST TO
: PARTICIPATE IN THE 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 12 January 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

   a. a Paris Convention application which either
      i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the DPMA, or
      ii. validly claims priority to a PCT application that contains no priority claims,

   or

   b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
      i. validly claims priority to an application filed in the DPMA, or
      ii. validly claims priority to a PCT application that contains no priority claims, or
      iii. contains no priority claim,

   or

   c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
      i. validly claims priority to an application filed in the DPMA, or

ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the DPMA application(s), and
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate;
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 DPMA 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 all office actions from each of the DPMA application(s) containing the allowable/patentable claim(s), and
      ii. a copy of any office action which is relevant to patentability from the DPMA application(s) issued after grant of the request to participate in the PPH pilot program, and
   b. An English language translation of the DPMA office action from (5)(a)(i)-(ii) above, and
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the DPMA examiner in the DPMA office action (unless already submitted in this application), and
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

Conditions (1)-(2), and (4)-(7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (3).

Regarding the requirement of condition (3), Petitioner has failed to ensure all the claims in the U.S. application sufficiently correspond to the claims allowed in the DE application. Specifically, claim 31 of the instant application "applying said base medium with a transfer adhesive" while claim 1 of the DE application recites "printing on the base medium with a transfer adhesive." The term "applying" is broader than "printing." Additionally, claims 50 and 51 of the instant application do not correspond to claim 7 of the DE application. Claim 7 of the DE application recites that the reflective particles are spherical or in the form of chips or needles or mixtures thereof. These shapes have been separated into claims 50 and 51 of the instant application and therefore do not represent the same scope as claim 7 of the DE application.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies.

NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED. If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.REQUEST. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

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.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/548,979	10/12/2006	HARALD KAUFMANN	436.0004CON	6219

25534 7590 03/23/2010

CAHN & SAMUELS LLP
1100 17th STREET NW
SUITE 401
WASHINGTON, DC 20036

EXAMINER	
ZIMMERMAN, JOSHUA D	
ART UNIT	**PAPER NUMBER**
2854	

MAIL DATE	DELIVERY MODE
03/23/2010	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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CAHN & SAMUELS LLP
1100 17th STREET NW
SUITE 401
WASHINGTON DC 20036

In re Application of
Harald KAUFMANN
Application No.: 11/ 548,979
Filed: 12 October 2006
Attorney Docket No.: 436.0004CON
For: SCREEN PRINT REFLECTION TRANSFER AND PROCESS FOR THE MANUFACTURE THEREOF

: DECISION ON REQUEST TO
: PARTICIPATE IN THE 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 12 January 2010 and renewed on 08 March 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the DPMA, or
        ii. validly claims priority to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the DPMA, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the DPMA, or

ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the DPMA application(s), and
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate;
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 DPMA 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 all office actions from each of the DPMA application(s) containing the allowable/patentable claim(s), and
      ii. a copy of any office action which is relevant to patentability from the DPMA application(s) issued after grant of the request to participate in the PPH pilot program, and
   b. An English language translation of the DPMA office action from (5)(a)(i)-(ii) above, and
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the DPMA examiner in the DPMA office action (unless already submitted in this application), and
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
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.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

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.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once a formality review is completed.

Lee W. Young
TQAS
Technology Center 2800

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090923

DATE : October 1, 2009

TO SPE OF : ART UNIT 2838

SUBJECT : Request for Certificate of Correction on Patent No.: 7,570,032

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: /Monica Lewis/ **Art Unit** 2838

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OFFICE OF PETITIONS

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

In re Application of
Ronald E. Burkhamer et al
Application No. 11/549,017
Filed: October 12, 2006
Attorney Docket No. 29606/40815B

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 29, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal rejection mailed July 8, 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 Technology Center AU 1797 for appropriate action by the Examiner in the normal course of business on the reply received March 29, 2010.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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Cooley Godward Kronish, LLP
Attn: Patent Group
Suite 1100
777 – 6th Street, NW
Washington, DC 20001

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OCT 01 2008

In re Application of	:	
Kenneth G. Hadlock	:	
Application No. 11/549,019	:	DECISION ON PETITION
Filed: October 12, 2006	:	TO WITHDRAW
Attorney Docket No. PATH-008/01US 307105-2049	:	FROM RECORD
	:	

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, 2008.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed. Refer to Form No. PTO/SB/83 (Updated 4/2008).

As for the customer requesting withdrawal from attorney of record, use only the customer number that was appointed as attorneys of record for this application.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Global Patent Group, LLC
10411 Clayton Road, Suite 304
St. Louis, MO 63131

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KAPLAN WARD & PATEL LLC
CUMBERLAND CENTER II
3100 CUMBERLAND BLVD, SUITE 1400
ATLANTA GA 30339

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AUG 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Schneider et al.	:	DECISION ON PETITION
Application No. 11/549,020	:	TO WITHDRAW
Filed: October 12, 2006	:	FROM RECORD
Attorney Docket No. 26680-RA	:	

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, 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 Barry E. Kaplan on behalf of all attorneys of record who are associated with Customer No. 30184.

All attorneys/agents associated with Customer Number 30184 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor at the address indicated below.

Currently, there is an outstanding Office action mailed April 13, 2009 that requires a reply.

Telephone inquires concerning this decision should be directed to Petitions Examiner Joan Olszewski at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Kevin Schneider
c/o Drink Solutions, Inc.
8564 Andover Bridge Court
Orlando FL 32829

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GREENLEE WINNER AND SULLIVAN P C
4875 PEARL EAST CIRCLE
SUITE 200
BOULDER, CO 80301

Mail Date: 04/21/2010

Applicant	: John S. Lollar	: DECISION ON REQUEST FOR
Patent Number	: 7576181	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/549,049	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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GREENLEE WINNER AND SULLIVAN P C
4875 PEARL EAST CIRCLE
SUITE 200
BOULDER, CO 80301

Mail Date: 05/18/2010

Applicant : John S. Lollar
Patent Number : 7576181
Issue Date : 08/18/2009
Application No: 11/549,049
Filed : 10/12/2006

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **58** 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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SCHWEGMAN, LUNDBERG & WOESSNER / ATMEL
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Mail Date: 04/20/2010

Applicant	: Isaiah O. Oladeji	: DECISION ON REQUEST FOR
Patent Number	: 7601604	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/549,052	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **288** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	**V. Belov et al.**		
Application No.:	**11/549,056**	Group No.	**To Be Assigned** 1755
Filed:	**October 12, 2006**	Examiner:	**To Be Assigned**
For:	**METHODS OF USING RARE-EARTH OXIDE COMPOSITIONS AND RELATED SYSTEMS**		
Attorney Docket No.	**P29,996-A USA**		

CERTIFICATE OF ELECTRONIC FILING

FILED ELECTRONICALLY ON USPTO EFS-WEB ON 05-25-2007 BY KAREN RUBINSON
FOR SARAH KLOSEK, 55,332

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL BECAUSE OF APPLICANT'S AGE (37 C.F.R. § 1.102(C) AND M.P.E.P. § 708.02 IV)

Sir:

Applicants hereby petition to make this application special because applicant Valery Victor Belov is over 65 years of age.

As a showing of this fact, accompanying this petition is a copy of applicant's U.S. Passport, which indicates that he is over 65 years of age.

No fee is required with this petition, in accordance with 37 C.F.R. § 1.102(c).

Respectfully submitted,

/Sarah Klosek/

Sarah Klosek (Reg. No. 55,332)
Attorney for Applicants

Synnestvedt Lechner & Woodbridge LLP
P.O. Box 592
Princeton, NJ 08542
(609) 924-3773

PETITION GRANTED

William Krynski
Quality Assurance Specialist
Technology Center 1700

PAGE 1/2 * RCVD AT 6/29/2007 6:03:28 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-2/3 * DNIS:2731012 * CSID:301 638 5914 * DURATION (mm-ss):01-26

JUL 16 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Feb-08

APPLIED MATERIALS, INC.
C/O SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO IL 60606-1080

COPY MAILED

FEB 14 2008

In re Application of :
Ehud Tirosh :
Application Number: 11/549059 : DECISION ON PETITION
Filing Date: 10/12/2006 :
Attorney Docket Number: 010636 :
USA/PDC/NPD/RKK :

This is a decision on the petition filed on September 20, 2007, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on February 20, 2007, for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application mailed on December 19, 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] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Receipt of the response to the Notice to File Missing Parts of Nonprovisional Application mailed on December 19, 2006, including the declaration and surcharge, filed with the present petition, is acknowledged.

The application is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO CA 94108

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OCT 19 2009

OFFICE OF PETITIONS

In re Application of :
Sean Butler :
Application No. 11/549,062 : DECISION ON PETITION
Filed: October 12, 2006 :
Attorney Docket No. NOVT-01003US1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 18, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office action mailed December 23, 2008. The Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on March 24, 2009. A Notice of Abandonment was mailed on July 8, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment (2) the petition fee of $810.00, and (3) a statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 3711 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant
Petitions Attorney
Office of Petitions

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JAN 14 2010

OFFICE OF PETITIONS

JAMES PEREZ
10339 WOODBRIDGE ST
TOLUCA LAKE CA 91602

In re Application of :
James Gerald Perez :
Application No. 11/549,076 : ON PETITION
Filed: October 12, 2006 :
Title: Fingertip Positioned Artery Stabilizer :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed November 9, 2009.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply in response to the final Office action, mailed January 27, 2009. This Office action set a shortened statutory period for reply of three months. Applicant filed an Amendment on April 27, 2009. However, by Advisory Action mailed May 15, 2009, the Examiner informed Applicant that the Amendment would not be entered because it failed to place the application in condition for allowance. As such, the application became abandoned on April 28, 2009. The mailing of this decision precedes the mailing of a courtesy Notice of Abandonment.

With the instant petition, applicant paid the petition fee, made the proper statement of unintentional delay, and filed the required reply in the form of an RCE.

The application is being forwarded to Group Art Unit 3763 for consideration of the RCE, filed November 9, 2009.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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WEISS & MOY PC
4204 NORTH BROWN AVENUE
SCOTTSDALE AZ 85251

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AUG 15 2007

OFFICE OF PETITIONS

In re Application of	:	
New, Fraval, Fraval, Donachy,	:	
Ash, Zuckerman, and Durban	:	DECISION ACCORDING STATUS
Application No. 11/549099	:	UNDER 37 CFR 1.47(a)
Filed: 10/12/2006	:	
Atty Docket No. 6434P3206	:	

This is in response to the petition filed under 37 CFR 1.47(a) on 14 June, 2007.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Jack P. Durban, has refused to sign and return the declaration naming him as a joint inventor along with Donald Arlen New, Sr., Levana Fraval, Hanafi R. Fraval, John C. Donachy, Jonathan S. Ash, and Raymond S. Zuckerman after having been mailed a copy 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 inventors at the addresses 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 3632 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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DTW Aug-07

Jack P. Durban
Vorel Co. LLC
22371 Sunbrook
Mission Viejo CA 92692

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AUG 15 2007

OFFICE OF PETITIONS

In re Application of
New et al.
Application No. 11/549,099
Filed: 12 October, 2006
For: LADDER TRAY AND METHOD OF ATTACHMENT THEREFOR

Dear Mr. Durban:

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).

DI Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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SAN FRANCISCO CA 94111-3834

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OCT 16 2007

OFFICE OF PETITIONS

In re Application of :
Lee, et al. : DECISION REFUSING STATUS
Application No. 11/549,118 : UNDER 37 CFR 1.47(a)
Filed: October 13, 2006 :
Attorney Docket No. 021653-017400US :

This is in response to the petition under 37 CFR 1.47(a), filed August 6, 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.** 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) set forth above.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. It is noted that each joint inventor's mailing address is the same. Given the fact that all joint inventors do not currently work at Semiconductor Manufacturing International (Shanghai) Corporation, it is assumed that they do not receive mail there.

MPEP 605.03 states that, "Applicant's mailing address means that address at which he or she customarily receives his or her mail. Either applicant's home or business address is acceptable as the mailing address.... 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...."

An oath or declaration in compliance with 37 CFR 1.63 and 1.64, listing each inventor's home address and residence is REQUIRED.

A supplemental application data sheet correcting the above matters must be submitted before a Rule 47 petition can be granted.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 12 2008

OFFICE OF PETITIONS

In re Application of	:	
Lee, et al.	:	DECISION GRANTING STATUS
Application No. 11/549,118	:	UNDER 37 CFR 1.47(a)
Filed: October 13, 2006	:	
Attorney Docket No. 021653-017400US	:	

This is in response to the reconsideration petition under 37 CFR 1.47(a), filed December 10, 2007.

The petition is **GRANTED.**

Petitioner has shown that non-signing inventor Roger Lee has constructively refused to join in the filing of the above-identified application and that non-signing joint inventor Guoqing Chen cannot be located to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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ROGER LEE
2697 W. DEERFIELD CT.
EAGLE, ID 83616

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FEB 12 2008

OFFICE OF PETITIONS

In re Application of	:	
Lee, et al.	:	LETTER
Application No. 11/549,118	:	
Filed: October 13, 2006	:	
Attorney Docket No. 021653-017400US	:	

Dear Mr. Lee:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Attorneys of Record: TOWNSEND AND TOWNSEND AND CREW, LLP
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GUOQING CHEN
3355 BELLEVUE ST.
E. TUCSON AZ 85716

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FEB 12 2008
OFFICE OF PETITIONS

In re Application of :
Lee, et al. : LETTER
Application No. 11/549,118 :
Filed: October 13, 2006 :
Attorney Docket No. 021653-017400US :

Dear Mr. Chen:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Attorneys of Record: TOWNSEND AND TOWNSEND AND CREW, LLP
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APR 2 3 2009

OFFICE OF PETITIONS

In re Application of

Lee, et al.

Application No. 11/549,118

Filed: October 13, 2006

Attorney Docket No. 021653-017400US

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed April 1, 2009.

The petition is **dismissed**.

This application was held abandoned January 31, 2009, after no reply was received to the Notice of Allowance and Issue Fee Due mailed October 30, 2008. The notice set forth a statutory period of reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on January 31, 2009. A Notice of Abandonment was mailed February 23, 2009. The instant petition was filed on April 1, 2009. Petitioner maintains that the notice of October 30, 2008.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> 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.<

Petitioner has not made the evidentiary showing specified above. Petitioner has not provided a copy of the master docket for the firm, but has only provided the master docket for a specific attorney. Petitioner has also not indicated that a master docket for the firm does not exist. The petition is dismissed accordingly. The renewed petition must be accompanied by a copy of the firm's master docket record for the relevant period or a statement indicated that no such master docket for the firm exists.

Alternatively, petitioner may revive the application 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, the required petition fee ($1,620.00 for a large entity and $810.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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AUG 31 2009

OFFICE OF PETITIONS

In re Application of

Lee, et al.

Application No. 11/549,118

Filed: October 13, 2006

Attorney Docket No. 021653-017400US

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) filed June 23, 2009.

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 application was held abandoned January 31, 2009, after no reply was received to the Notice of Allowance and Issue Fee Due mailed October 30, 2008. The notice set forth a statutory period of reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on January 31, 2009. A Notice of Abandonment was mailed February 23, 2009.

Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a non-provisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee, or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The instant petition does not satisfy the requirement of item (1).

As to item (1), a response to the Notice of Allowance and Issue Fee Due did not accompany the petition. The renewed petition must be accompanied by a proper response to the Notice of Allowance and Issue Fee Due, which may include payment of the issue fee, publication fee, and Form PTOL-85b or a specific authorization to charge a deposit account for the same.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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DEC 22 2009

OFFICE OF PETITIONS

In re Application of

Lee, et al.

Application No. 11/549,118

Filed: October 13, 2006

Attorney Docket No. 021653-017400US

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), October 23, 2009, to revive the above-identified application.

The petition is **granted**.

This application was held abandoned January 31, 2009, after no reply was received to the Notice of Allowance and Issue Fee Due mailed October 30, 2008. The notice set forth a statutory period of reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on January 31, 2009. A Notice of Abandonment was mailed February 23, 2009.

The issue fee and publication fee were received October 23, 2009.

Form PTOL-85B, filed October 23, 2009, is noted.

The application is being directed to the Office of Patent Publications for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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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LIN & ASSOCIATES INTELLECTUAL PROPERTY, INC.
P.O. BOX 2339
SARATOGA CA 95070-0339

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DEC 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Sen-Yung Liu	:	
Application No. 11/549,119	:	DECISION ON PETITION
Filed: October 13, 2006	:	
Attorney Docket No. 06211URS	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 19, 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 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. A Notice of Abandonment was mailed January 16, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $810.00, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This matter is being referred to Technology Center AU 2885 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE, WI 53202

Mail Date: 04/21/2010

Applicant	: Michael Joseph Holz	: DECISION ON REQUEST FOR
Patent Number	: 7658105	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/549,141	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **640** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE, WI 53202

Mail Date: 05/18/2010

Applicant : Michael Joseph Holz
Patent Number : 7658105
Issue Date : 02/09/2010
Application No: 11/549,141
Filed : 10/13/2006

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **641** 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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Mary J Hosley
150 EAST 42ND STREET
MS: 150/02/E112
NEW YORK NY 10017-5612

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OFFICE OF PETITIONS

In re Application of

Wager, et al. :

Application No. 11/549,175

: DECISION ON PETITION

Filed: October 13, 2006

:

Attorney Docket No. PC32991A

This is a decision on the petition under 37 CFR 1.137(b), filed May 19, 2009, 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 restriction/election requirement mailed October 1, 2008, which set a shortened period for reply of one month from its mailing date. A response was not received within the allowable period. The application became abandoned on November 2, 2008. A Notice of Abandonment was mailed on April 29, 2009.

The election filed May 19, 2009, is noted.

The application is being forwarded to Technology Center 1600, GAU 1626 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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DAVID A. GUERRA
INTERNATIONAL PATENT GROUP, LLC
2025 17TH AVENUE N.W.
CALGARY AB T2M 0S7 CA CANADA

MAILED

APR 27 2009

OFFICE OF PETITIONS

In re Application of

GEORGIEV, Georgi
Application No. 11/549,184
Filed: October 13, 2006
Attorney Docket No. **AP121-06**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 26, 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) and (3) noted in the above-identified certifications have been performed.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **GEORGIE GEORGIEV**
1635 QUEEQUEG TURNABOUT
GABIOLA ISLAND

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 26 2009

OFFICE OF PETITIONS

DAVID A. GUERRA
INTERNATIONAL PATENT GROUP, LLC
2025 17TH AVENUE N.W.
CALGARY AB T2M 0S7 CA CANADA

In re Application of

GEORGIEV, Georgi
Application No. 11/549,184
Filed: October 13, 2006
Attorney Docket No. **AP121-06**

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 01, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by David Guerra on behalf of all attorneys of record who are associated with customer No. 29689. All attorneys/agents associated with the Customer Number 29689 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Georgi Georgiev at the address indicated below. There is an outstanding Office action mailed March 18, 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: **GEORGI GEORGIEV**
1635 QUEEQUEG TURNABOUT
GABIOLA ISLAND BC V0R 1X5
CANADA

UNITED STATES PATENT AND TRADEMARK OFFICE

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SENNIGER POWERS LLP
100 NORTH BROADWAY
17TH FLOOR
ST LOUIS, MO 63102

Mail Date: 04/20/2010

Applicant	: Philip S. Johnson	: DECISION ON REQUEST FOR
Patent Number	: 7609491	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/549,192	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **293** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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HONEYWELL/ALSTON & BIRD
Patent Services
101 Columbia Road
P.O.Box 2245
Morristown, NJ 07962

Mail Date: 04/20/2010

Applicant	: John Skowron	: DECISION ON REQUEST FOR
Patent Number	: 7657360	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/549,197	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **594** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(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.
11/549,233	10/13/2006	Keith SOLOMON	61603US033	6634

7590 05/01/2009

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

EXAMINER	
GROSS, CHRISTOPHER M	
ART UNIT	**PAPER NUMBER**
1639	
NOTIFICATION DATE	**DELIVERY MODE**
05/01/2009	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☑ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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: 04/21/2010

Applicant	: PAUL O. SHEPPARD	: DECISION ON REQUEST FOR
Patent Number	: 7662641	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/549,237	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **578** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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SCHIFF HARDIN, LLP
PATENT DEPARTMENT
6600 SEARS TOWER
CHICAGO, IL 60606-6473

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APR 17 2008

OFFICE OF PETITIONS

In re Application of :
Ann Harrington et al :
Application No. 11/549,250 : DECISION ON PETITION
Filed: October 13, 2006 : UNDER 37 CFR 1.137(b)
Attorney Docket No. P05,0124-01 (32276-0001) :

This is a decision on the petition, filed November 26, 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 January 2, 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 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This application is being referred to Technology Center Art Unit 2882 for examination in due course.

Irvin Dingle
Petition Examiner
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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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/549,250	10/13/2006	Ann Harrington	P05,0124-01 (32276-0001)

CONFIRMATION NO. 6664

26574
SCHIFF HARDIN, LLP
PATENT DEPARTMENT
6600 SEARS TOWER
CHICAGO, IL 60606-6473

NONPUBLICATION RESCISSION LETTER

Date Mailed: 04/17/2008

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is WDNP.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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OCT 1 4 2008

OFFICE OF PETITIONS

In re Application of :
HOCHMAN, Daryl W. et al. :
Application No. 11/549,274 : DECISION ON PETITION
Filed: October 13, 2006 : TO WITHDRAW
Attorney Docket No. **026700-000520US** : FROM RECORD
:

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 22, 2008.

The request is **moot** because a revocation of power of attorney has been previously filed.

A review of the file record indicates that the power of attorney to TOWNSEND AND TOWNSEND AND CREW, LLP has been revoked by the assignee of the patent application on October 08, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **HUNTON & WILLIAMS LLP**
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

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

CST

11-6-06

In re application of :
David L. Chase :
Serial No. 11/549,286 : DECISION ON PETITION
Filed: October 13, 2006 : TO MAKE SPECIAL
For: ANNEALING OF HOT ROLLED STEEL :
COILS WITH CLAM SHELL FURNACE :

This is a decision on the petition filed on October 13, 2006 to make the above-identified application special for accelerated procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED.**

REGULATION AND PRACTICE

A grantable petition to make special 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), must satisfy the following conditions:

I. Conditions Regarding the Application:

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. at the time of filing, the application 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.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions regarding the application (section I, subsections 1-4) discussed above are considered to have been met. Additionally, the conditions regarding the petition (section II, subsections 1-5) are considered to have been met. However, the petition fails to comply with condition II, subsection 6.2. Specifically, for each of the references cited on the IDS, petitioner has failed to identify where each and every limitation of the claims are disclosed in the cited references. Note that the presently claimed "method of annealing hot rolled steel coil" comprises steps (a) – (f), however petitioner has not particularly identified where these steps are recited in each of the cited references. Similarly, note the presently claimed "furnace for annealing hot rolled steel coil" which sets forth components (a) – (e). Additionally, on pages 6-9 of the Accelerated Examination Support Document, petitioner briefly discusses 8 references but states, "The following patents were considered where analysis seems unnecessary". The presumption is that each of the cited references is considered most relevant to the claimed invention since copies have been submitted and that an identification of where all of the limitations in the claims that are disclosed in the reference is required.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

For the above-stated reasons, the petition is dismissed. The application will therefore be taken up by the examiner in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Christine Tierney, Special Programs Examiner, at (571) 272-1055.

Christine Tierney
Special Programs Examiner
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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CST

11-29-06

In re application of :
David L. Chase :
Serial No. 11/549,286 : DECISION ON PETITION
Filed: October 13, 2006 : TO MAKE SPECIAL
For: ANNEALING OF HOT ROLLED STEEL :
COILS WITH CLAM SHELL FURNACE :

This is a decision on the REQUEST FOR RECONSIDERATION OF DECISION ON PETITION TO MAKE SPECIAL filed on November 21, 2006 to make the above-identified application special for accelerated procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED.**

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Christine Tierney, Special Programs Examiner, at (571) 272-1055.

Christine Tierney
Special Programs Examiner
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/549,308	10/13/2006	Mathias SCHULZ	4070-215 (K560622US)	6759

7590 08/06/2008

PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

EXAMINER	
NGUYEN, JUDY	

ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
08/06/2008	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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MAILED

MAY 06 2009

OFFICE OF PETITIONS

LOCTITE CORPORATION
1001 TROUT BROOK CROSSING
ROCKY HILL, CT 06067

In re Application of :
Matthew P. Burdzy :
Application No. 11/549,331 : DECISION GRANTING PETITION
Filed: October 13, 2006 : UNDER 37 CFR 1.137(f)
Attorney Docket No. LC-566/US :

This is a decision in response to the petition, filed March 9, 2009, under 37 CFR 1.137(f) 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.

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 January 17, 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 petition is 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 June 25, 2009 was mailed on March 17, 2009.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

This application is being referred to the Technology Center 1793 for further processing..

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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JJGJR.: 09-07

Paper No: __

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OFFICE OF PETITIONS

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

In re Application of :
Dehaan, et al. :
Application No. 11/549,346 : ON PETITION
Filed: 13 October, 2006 :
Attorney Docket No. 2005P19509US01 :

This is a decision on the petition filed on 21 May, 2007, and considered under 37 C.F.R. §1.47(a).

The Office regrets the delay in addressing this matter, however, the petition was provided to the attorneys in the Office of Petitions only at this writing.

For the reasons set forth below, the petition under 37 C.F.R. §1.47(a) is **GRANTED**.

BACKGROUND

The record indicates:

- the instant application was filed on 13 October, 2006, without, *inter alia*, a fully executed oath/declaration;

- on 22 December, 2006, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;

- on 21May, 2007, Petitioner Alexander Burke (Reg. No. 40,425) filed, *inter alia*, the original petition, an oath/declaration signed by Messrs. Dehaan, Hardel and Liu (for themselves and on behalf of non-signing co-inventor Randall Case (Mr. Case), and Petitioner stated and evidenced that the entire application (description, claims, abstract and drawings) was sent to and received by non-signing co-inventor Mr. Case–but that he has not signed the oath/declaration.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Specifically, the regulations at 37 C.F.R. §10.18 provide:

§ 10.18 Signature and certificate for correspondence filed in the Patent and Trademark Office.
(a) For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature by such practitioner complying with the provisions of §1.4(d), §1.4(e), or § 2.193(c)(1) of this chapter.
(b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—

(1) All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and

(2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that —

(i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office;

(ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

(c) Violations of paragraph (b)(1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions as deemed appropriate by the Commissioner, or the Commissioner's designee, which may include, but are not limited to, any combination of —

(1) Holding certain facts to have been established;
(2) Returning papers;
(3) Precluding a party from filing a paper, or presenting or contesting an issue;
(4) Imposing a monetary sanction;
(5) Requiring a terminal disclaimer for the period of the delay; or
(6) Terminating the proceedings in the Patent and Trademark Office.

This application and its papers have been reviewed and found in compliance with 37 C.F.R. §1.47(a).

This application hereby is **ACCORDED status under 37 C.F.R. §1.47(a)**.

As provided under 37 C.F.R. §1.47(a), the Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition.

Notice of the filing of this application also will be published in the Official Gazette.

This file is being released to OIPE for processing as necessary to reflect the instant decision before being released for further processing in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

(d) Any practitioner violating the provisions of this section may also be subject to disciplinary action. See § 10.23(c)(15).
[Added 50 FR 5175, Feb. 6, 1985, effective Mar. 8, 1985; para. (a) revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; paras. (a) & (b) revised, paras. (c) & (d) added, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

[2] 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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JJGJR.: 09-07

Paper No: __

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OFFICE OF PETITIONS

RANDALL CASE
122 INVERNESS DRIVE
BLUE BELL, PA

In re Application of :
Dehaan, et al. :
Application No. 11/549,346 : COMMUNICATION
Filed: 13 October, 2006 :
Attorney Docket No. 2005P19509US01 :

Dear Randall Case:

You are named as inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47,[1] ¶a, Rules of

[1] The regulations at 37 C.F.R. §1.47 provide:

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

(a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in §1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

(b) Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in §1.17(h), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

© The Office will send notice of the filing of the application to all inventors who have not joined in the application at the address(es) provided in the petition under this section, and publish notice of the filing of the application in the *Official Gazette*. The Office may dispense with this notice provision in a continuation or divisional application, if notice regarding the filing of the prior application was given to the nonsigning inventor(s).

[47 Fed. Reg. 41275, Sept. 17, 1982, effective Oct. 1, 1982; 48 Fed. Reg. 2709, Jan. 20, 1983, effective Feb. 27, 1983; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997; revised, 65 Fed. Reg. 54604, Sept. 8, 2000, effective Nov. 7, 2000]

Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733.

Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or toll-free: (800) 972-6382 (outside the Washington D.C. area).

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

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[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : **5/18/09**

TO SPE OF : ART UNIT **1791 (1700)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/549,365** Patent No.: **7,527,490**

Attn: Timothy Heitbrink

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
South Tower - 9A22
Palm Location 7580

Ernest C. White, LIE
Certificates of Correction Branch
703-308-9390 ext.122

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☑ **Denied** — State the reasons for denial below.

Comments: The request for certificate of correction pursuant to 37 CFR 1.323 lists as the patent for correction 7,527,790. Such patent does not have as its inventor Mr. Fabrice Fairy. See cover sheet of request.

[signature] 1791
SPE **Art Unit**

UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date : 6/12/2009
Patent No. : 7,527,490 B2
Serial No. : 11/549,365
Inventor(s) : Fairy
Issue Date : May 5, 2009
Title : **COINJECTION MOLDING APPARATUS AND RELATED HOT-RUNNER NOZZLE**
Doc./File No. : **06-835**

Re: Certificate of Correction (Reconsideration)

Consideration has been given your request for a certificate of correction (reconsideration), for the above-identified patent under the provisions of Rule 1.322 and 1.323.

Your request has been denied by the examiner, please refer to the attached sheet, Spe Response (PTOL-306) for explanation.

Further consideration will be given concerning this matter upon receipt of a request for **Reconsideration** (reconsideration should be accompanied by supporting document(s) such as, amendment, postcard receipt, 1449/892, etc.) and should be filed and directed to Decisions & Certificates of Correction Branch.

Ernest C. White, *LIE* (703) 756-1590
Mary F. Diggs, *Supervisor* (703) 756-1580
Decisions & Certificates of Correction Branch

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

ecw

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : **5/18/09**

TO SPE OF : ART UNIT **1791 (1700)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/549,365** Patent No.: **7,527,490**

Attn: Timothy Heitbrink

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
South Tower - 9A22
Palm Location 7580

Ernest C. White, LIE
Certificates of Correction Branch
703-308-9390 ext.122

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☑ **Denied** — State the reasons for denial below.

Comments: The request for certificate of correction pursuant to 37 CFR 1.323 lists as the patent for correction 7527790. Such patent does not have as its inventor Mr. Fabrice Fairy. See cover sheet of request.

[signature] 1791
SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7/20/09

TO SPE OF : ART UNIT **1791 (1700)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/549,365** Patent No.: **7,527,490**

Attn: Timothy Heitbrink

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
South Tower - 9A22
Palm Location 7580

***Reconsideration**

Ernest C. White, LIE
Certificates of Correction Branch
703-308-9390 ext.122

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☑ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: The change to claim 19 has been approved.
Tim Heitbrink

TIM HEITBRINK
PRIMARY EXAMINER
GROUP ~~130~~ 1791

7-20-09

SPE

1791
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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BERESKIN AND PARR LLP/S.E.N.C.R.L., s.r.l.
40 KING STREET WEST
BOX 401
TORONTO, ON M5H 3Y2
CANADA

Mail Date: 05/13/2010

Applicant	: Herbert Little	: DECISION ON REQUEST FOR
Patent Number	: 7667429	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/549,383	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **264** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

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OFFICE OF PETITIONS

In re Application of	:	
Passerini et al.	:	
Application No.: 11/549386	:	
Filing or 371(c) Date: 10/13/2006	:	DECISION
Attorney Docket Number:	:	ON PETITION
68865.001030	:	

This is a decision in response to the "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Notice of Allowance Pursuant to 37 C.F.R. § 1.181," filed August 22, 2008.

The petition is **granted**

The above-identified application became abandoned for failure to timely/properly reply to the Notice of Allowance and Issue Fee Due, mailed April 2, 2008. The Notice set a non-extendable three (3) month period for reply. No response having been received, the application became abandoned on July 3, 2008. A Notice of Abandonment was mailed July 31, 2008.

With the present petition, Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn. No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 2114 for re-mailing of the Notice of Allowance and Issue Fee Due and Notice of Allowability, and resetting the period for reply.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

Mail Date: 04/21/2010

Applicant	: Ronald Peter PASSERINI	: DECISION ON REQUEST FOR
Patent Number	: 7610320	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/549,401	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **406** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Alexandria, VA 22313-1450
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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
100 GALLERIA PARKWAY, NW
STE 1750
ATLANTA, GA 30339-5948

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FEB 0 9 2007

OFFICE OF PETITIONS

In re Application of Chen et al. :
Application No.11/549,409 : Decision on Petition
Filing Date: October 13, 2006 :
Attorney Docket No. 252209-1410 :

This is a decision on the petition filed January 19, 2007, to accord the above-identified application a filing date of October 13, 2006.

The petition is **granted to the extent indicated below**.

The application was filed on October 13, 2006.

On January 16, 2007, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded and the filing date would be the date of receipt of the drawings.

A review of the file indicates the Office should not have mailed a Notice of Incomplete Application.

MPEP 601.01(f) states that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

This application contains disclosure directed to a process or method. Therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g). In other words, the Office should have mailed a "Notice of Omitted Item(s)" indicating drawings were missing but a filing date had been accorded, rather than a "Notice of Incomplete Application."

The Notice mailed January 16, 2007, was mailed in error and is hereby withdrawn.[1]

The petition fee of $400 will be credited back to petitioner's credit card.

[1] 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).

Petitioner has submitted drawings and contends the drawings do not contain new matter. If petitioner wishes to amend the application to include the drawings, a formal preliminary amendment should be filed.

At this time, the proposed drawings for this application and the copy of drawings from a provisional application will not be entered.

The Office of Initial Patent Examination will further process the application with a filing date of October 13, 2006, using the application papers filed on October 13, 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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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

Mail Date: 04/21/2010

Applicant	: Ronald Peter PASSERINI	: DECISION ON REQUEST FOR
Patent Number	: 7634497	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/549,416	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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OSTROW KAUFMAN & FRANKL LLP
SUSAN FORMICOLA
THE CHRYSLER BUILDING
405 LEXINGTON AVENUE, 62ND FLOOR
NEW YORK, NY 10174

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DEC 28 2009

OFFICE OF PETITIONS

In re Application of :
Burchetta et al. :
Application No. 11/549,417 : DECISION ON PETITION
Filed: October 13, 2006 :
Attorney Docket No. 602097-011 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 14, 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, February 23, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the application became abandoned on May 24, 2009. A Notice of Abandonment was mailed September 16, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment including a terminal disclaimer, (2) the petition fee of $1,620, and (3) an adequate statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,110 extension of time fee submitted with the petition on October 14, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card account as authorized.

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.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless,

such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By Hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By Internet: EFS-Web[1]

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

Chris Bottorff
Petitions Examiner
Office of Petitions

cc: BRIAN MCGUIRE
FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE
36TH FLOOR
NEW YORK, NY 10051

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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www.uspto.gov

BAKER BOTTS L.L.P.
PATENT DEPARTMENT
98 SAN JACINTO BLVD., SUITE 1500
AUSTIN TX 78701-4039

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OFFICE OF PETITIONS

In re Application of	:
Reyes, et al.	: DECISION REFUSING STATUS
Application No. 11/549,421	: UNDER 37 CFR 1.47(a)
Filed: October 13, 2006	:
Atty. Dkt. No.: 074104.0136	:
For: BLENDER LID	:

This decision is in response to the petition under 37 CFR 1.47(a) filed March 11, 207.

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 October 13, 2006 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application (Notice) was mailed January 11, 2007. 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.

The instant petition fails to satisfy requirements (1) and (2) set forth above.

At to item (1), petitioners have failed to establish that the non-signing inventor received a complete copy of the application papers

(specification, including claims, drawings, and oath or declaration) and thereafter refused to execute an oath or declaration, or, that the non-signing inventor cannot be reached or located for presentation of the application papers.

The declaration of David A. Goldenberg states that the assignee sent the application, power of attorney, and declaration to the non-signing inventor. The declaration does not indicate the manner by which the application papers were directed to the non-signing inventor, nor does the declaration establish that the declaration papers were sent to the non-signing inventor at the non-signing inventor's last known address.

The declaration of David A. Goldenberg further states that on February 2, 2007 and February 14, 2007, the assignee sent the "Inventor Document" to the non-signing inventor. Declarant further states that to date, assignee has not received the executed "Inventor Document." Declarant further states that assignee has made diligent effort to contact the non-signing, but that the non-signing inventor has refused the assignee's attempt to contact him.

Declarant does not detail with specificity the efforts made to contact the inventor or the nature of the inventor's alleged refusals.

Moreover, before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor at the non-signing inventor's last known address, typically a residential address.

While petitioners allege that the application papers were mailed to the non-signing inventor, there is no indication that they were mailed and received by the non-signing inventor at the non-signing inventor's last known address. Further communications with the non-signing inventor at the non-signing inventor's last known address did not include the complete application papers (specification, including claims, drawings, and oath or declaration.)

Any renewed petition should be accompanied by evidence to establish that the non-signing inventor was sent a complete copy of the application papers (specification, claims, drawings, and oath or declaration) at the non-signing inventor's last known address and thereafter refused to execute the declaration. Petitioners may wish to provide the Office copies of letters sent to the inventor indicating the enclosure of the application

papers (specification, claims, drawings, and oath or declaration). If after the inventor receives the application papers and requests to execute the oath or declaration are refused, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and detailing with specificity the exact manner of the refusals. If a written refusal has been made, a copy of the written refusal should be included on renewed petition.

As to item (2), an acceptable oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. The declaration presented with the instant petition is unacceptable as it contains alterations that have not been initialed. *See*, 37 CFR 1.52(c). Any renewed petition must be accompanied by a proper oath or declaration in full compliance with 37 CFR 1.63 and 37 CFR 1.64.

Further correspondence with respect to this matter should be addressed as follows:

By mail:
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile:
(571) 273-8300

By hand:
U.S. U.S. Patent and Trademark Office
Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulaney Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CA 94111-3834

Mail Date: 04/21/2010

Applicant	: Ryan Fung	: DECISION ON REQUEST FOR
Patent Number	: 7629825	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/549,427	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **92** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

In re Application of :
Burchetta et al. :
Application No. 11/549,437 : ON PETITION
Filed: October 13, 2006 :
Attorney Docket No. 602097-12 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 14, 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, February 23, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the application became abandoned on May 24, 2009. A Notice of Abandonment was mailed September 16, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment including a Terminal Disclaimer and fee of $140 , (2) the petition fee of $1,620, and (3) an adequate statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is not a correct reading of the statement appearing in the petition.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,110 extension of time fee submitted on October 14, 2009, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's credit card account in due course.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center 3625 for further examination on the merits

Chris Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Menzo Wentink	: DECISION ON REQUEST FOR
Patent Number	: 7623545	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/549,438	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **382** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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HAHN JOESER & PARKS, LLP
ONE GOJO PLAZA
SUITE 300
AKRON, OH 44311-1076

MAILED

OCT 19 2009

OFFICE OF PETITIONS

In re Application of
Adrianna Scheibner
Application No. 11/549,465
Filed: October 13, 2006
Attorney Docket No. 2Q1064.00002

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 16, 2009.

The request is **APPROVED**.

The request was signed by Timothy D. Smith on behalf of the practitioners of record associated with Customer Number 21324.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Adrianna Scheibner at the first address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Adrianna Scheibner
400 S. Beverly Drive, Suite 214
Beverly Hills, CA 90212

cc: Adrianna Scheibner
The Scheibner Centre
189 Edgecliff Rd.
Woollahra, NSW 2025 AU

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/549,465	10/13/2006	Adrianna Scheibner	201064.00002

CONFIRMATION NO. 7002

POWER OF ATTORNEY NOTICE

21324
HAHN LOESER & PARKS, LLP
One GOJO Plaza
Suite 300
AKRON, OH 44311-1076

OC000000038255806

Date Mailed: 10/16/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/16/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/549,465	10/13/2006	Adrianna Scheibner	201064.00002

CONFIRMATION NO. 7002

Adrianna Scheibner
400 S. Beverly Drive, Suite 214
Beverly Hills, CA 90212

POA ACCEPTANCE LETTER

OC000000038255849

Date Mailed: 10/16/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/16/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

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DEC 0 9 2009

OFFICE OF PETITIONS

In re Application of	:	
Toshio Kameshima	:	
Application No. 11/549,468	:	DECISION GRANTING PETITION
Filed: October 13, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 03500.016566.3	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, November 13, 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 22, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2622 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/549,504	10/13/2006	Hae-Il PARK	P1969US00	7065

7590 05/05/2009

H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA, VA 22182

EXAMINER	
HINES, ANNE M	

ART UNIT	PAPER NUMBER
2879	

NOTIFICATION DATE	DELIVERY MODE
05/05/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Refund Ref:
05/05/2009 0030069700

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX2002

Adjustment date: 05/05/2009 NFARMER
10/16/2006 INTEFSW 00000633 11549504
02 FC:1111 -500.00 OP

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PACESETTER, INC.
15900 VALLEY VIEW COURT
SYLMAR, CA 91392-9221

Mail Date: 04/21/2010

Applicant	: Jay Snell	: DECISION ON REQUEST FOR
Patent Number	: 7647104	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/549,517	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **428** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET, NW
WASHINGTON DC 20005

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JUL 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Adam et al.	:	DECISION ON PETITION
Application No. 11/549,524	:	TO WITHDRAW
Filed: October 13, 2006	:	FROM RECORD
Attorney Docket No. 70127.00004.UTL1	:	

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 4, 2009, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Paul, Hastings, Janofsky & Walker LLP does not have power of attorney 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 address of record is not accepted in view of Paul, Hastings, Janofsky & Walker LLP not having power of attorney. See MPEP §§ 601.03 and 405.

All future communications from the Office will continue to be directed solely to the address of record until proper instructions have been received.

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.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET, NW
WASHINGTON DC 20005

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SEP 0 3 2009

OFFICE OF PETITIONS

In re Application of	:	
Adam et al.	:	DECISION ON PETITION
Application No. 11/549,524	:	TO WITHDRAW
Filed: October 13, 2006	:	FROM RECORD
Attorney Docket No. 70127.00004.UTL1	:	

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 August 7, 2009, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

As previously stated in the Decision mailed July 14, 2009, a review of the file record indicates that Paul, Hastings, Janofsky & Walker LLP does not have power of attorney 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 address of record is not accepted in view of Paul, Hastings, Janofsky & Walker LLP not having power of attorney. See MPEP §§ 601.03 and 405.

All future communications from the Office will continue to be directed solely to the address of record until proper instructions have been received.

Currently, there is an outstanding Office action mailed August 19, 2009 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

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APR 0 3 2008

OFFICE OF PETITIONS

In re Application of :
William T. Dalebout, et al. :
Application No. 11/549,530 : DECISION ON PETITION
Filed: October 13, 2006 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 13915.48.1 :

This is a decision in response to the petition filed November 28, 2007, which is being treated 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 a prior-filed nonprovisional application.

The petition is not signed by an attorney or agent of record. However, in accordance with 37 CFR 1.34, the signature of J. Dustin Howell appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

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) and (iii) of the prior-filed application(s), unless previously submitted;[1]
> **(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

[1] Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending applications or international applications designating the United States of America must contain or be amended to contain a reference (amendment to the first line of the specification following the title or in an application data sheet (ADS) to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (*see* § 1.14).

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(s) 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(s). In order for this application to be entitled to the benefit of the prior-filed application(s), 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(s) should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application(s) 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) 272-3204. 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 3764 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.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/549,530	10/13/2006	3764	2230	13915.48.1	38	4

CONFIRMATION NO. 7101

CORRECTED FILING RECEIPT

22913
WORKMAN NYDEGGER
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

Date Mailed: 04/03/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

William T. Dalebout, North Logan, UT;
Gaylen W. Ercanbrack, Logan, UT;
Jaremy T. Butler, Paradise, UT;
Robert L. Alleman, North Logan, UT;

Assignment For Published Patent Application

ICON IP, Inc., Logan, UT

Power of Attorney: The patent practitioners associated with Customer Number 022913

Domestic Priority data as claimed by applicant

This application is a CIP of 11/155,328 06/16/2005
which is a CIP of 10/916,684 08/11/2004

Foreign Applications

If Required, Foreign Filing License Granted: 12/19/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/549,530**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Folding elliptical exercise machine

Preliminary Class

482

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

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OFFICE OF PETITIONS

In re Application of: Marcu et al. :
Application No.: 11/549,544 :
Filed: October 13, 2006 : REQUEST TO CORRECT
For: RENDERING LUMINANCE LEVELS OF A HIGH DYNAMIC RANGE : APPLICATION PAPERS :

The decision on petition mailed November 26, 2007 is hereby **VACATED**.

Applicants' petition filed September 4, 2007 has been received and is being interpreted as a request to correct the application papers in this file. Application papers were incorrectly identified by another practitioner and thus associated with this application. All of the application papers filed by the other practitioner have been removed from the present application. Furthermore, any paper sent from the U. S. Patent and Trademark Office to applicant as a result thereof have also been removed. Any inconvenience that has been caused is regretted.

This application is being forwarded to Technology Center 2600 to await examination on the merits.

Anthony Knight
Supervisor
Office of Petitions
(571) 272-3687
AK

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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VIERRA MAGEN/SANDISK CORPORATION
575 MARKET STREET, SUITE 2500
SAN FRANCISCO, CA 94105

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NOV 17 2008

OFFICE OF PETITIONS

In re Application of :
ITO, Fumitoshi :
Application No. 11/549,553 : DECISION GRANTING PETITION
Filed: October 13, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **SAND-01095US2** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 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 September 16, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

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

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment of the application.*

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FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304

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AUG 10 2009

OFFICE OF PETITIONS

In re Application of	:	
Michael P. Arend et al.	:	
Application No. 11/549,571	:	DECISION ON PETITION
Filed: October 13, 2006	:	TO WITHDRAW
Attorney Docket No. **310477-1060**	:	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 14, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Antionette F. Konski does not have power of attorney or was ever given power of attorney in this patent application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

It is also noted that the request does not contain the address for the first named inventor nor the assignee of record was not provided in the request. The Office will only accept changes to the most current address information provided for the assignee of the entire interest that properly became of record under 37 CFR 3.71 or, the most current address of the first named inventor.

All future communications from the Office will continue to be directed to the address of record until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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LEVINE BAGADE HAN LLP
2483 EAST BAYSHORE ROAD, SUITE 100
PALO ALTO, CA 94303

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JUL 20 2009

OFFICE OF PETITIONS

In re Application of	:	
Mir A. Imran	:	
Application No. 11/549,573	:	DECISION ON PETITION
Filed: October 13, 2006	:	TO WITHDRAW
Attorney Docket No. **INCBNP00201**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed June 8, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by David A. Levine on behalf of all attorneys of record who are associated with Customer No. 40518.

All attorneys/agents associated with the Customer No. 40518 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee of record "Python Medical, Inc." at the address list below.

There is an outstanding Office action mailed May 13, 2009, 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: Python Medical, Inc.
1390 Willow Road
Menlo Park, CA 94025

cc: InCube, Inc., c/o Levine Bagade Han LLP
2400 Geng Road, Suite 120
Palo Alto CA 94303

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Morgan Lewis & Bockius LLP/ AI
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto, CA 94306

Mail Date: 04/20/2010

Applicant	: Philip Andrew Mansfield	: DECISION ON REQUEST FOR
Patent Number	: 7667148	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/549,619	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **693** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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THE SONI LAW FIRM
35 North Lake Ave.
Suite 720
PASADENA CA 91101

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MAY 24 2010

OFFICE OF PETITIONS

In re Application of :
Dilip Bhavnani :
Application No. 11/549,620 : DECISION ON PETITION
Filed: October 13, 2006 :
Attorney Docket No. SS-227U2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 2, 2010, to revive the above-identified application.

The petition is **GRANTED.**

This above-identified application became abandoned for failure to timely file a reply to a Restriction Requirement mailed June 19, 2008. The Office Action set a one (1) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on July 20, 2008. A Notice of Abandonment was mailed on January 2, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a reply to the restriction requirement, (2) the petition fee of $810.00, and (3) an adequate statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 3632 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant
Petitions Attorney
Office of Petitions

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Thelen, Reid, Brown, Raysman & Steiner, LLP
P.O. Box 640640
San Jose, CA 95164-0640

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OFFICE OF PETITIONS

In re Application of	:	
Hamid Najafi et al.	:	
Application No. 11/549,653	:	DECISION ON PETITION
Filed: October 15, 2006	:	TO WITHDRAW
Attorney Docket No. 060579.000009	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 16, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Aaron Wininger: (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. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Hamid Najafi
774 Mays Boulevard #10
Incline Village, NV 89451

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Paper No.

LEONG C LEI
PMB # 1008
1867 YGNACIO VALLEY ROAD
WALNUT CREEK CA 94598

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MAR 3 1 2008

OFFICE OF PETITIONS

In re Application of :
Wei-Liang Wan : DECISION ON PETITION
Application No. 11/549,656 :
Filed: October 16, 2006 :
Attorney Docket No. FP12028 :

This is a decision on the PETITION REQUESTING THE APPLICATION BE REVIVED ON THE GROUNDS OF UNAVOIDABLE DELAY Under 37 CFR 1.137(a) filed January 8, 2008.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Any renewed petition must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR §1.137(a)." Extensions of time under 37 CFR §1.136(a) are permitted.

The above-identified application became abandoned for failure to file a reply to the NOTICE TO FILE CORRECTED APPLICATION PAPERS mailed February 22, 2007. This Notice set a two (2) month period for reply, with extensions of time obtainable under § 1.136(a). No reply considered timely filed and no extension of time considered obtained, the application became abandoned effective April 23, 2007. A courtesy Notice of Abandonment was mailed on November 1, 2007.

basis, taking all the facts and circumstances into account." Smith, 671 F.2d at 538, 213 U.S.P.Q. at 982. Nonetheless, a petition cannot be granted where a Applicants has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines, 673 F. Supp. at 316-17, 5 U.S.P.Q.2d at 1131-32.

The facts and circumstances of the abandonment of this application have been considered. Further, a review of the application history has been carefully undertaken. The Declaration for Patent submitted on filing of the application on October 16, 2006 requested that the Office direct all communication to customer No. 52891. Consistent with Office policy, as to the correspondence address of record, this request was controlling. See 37 CFR 1.33(a) and MPEP 403. Accordingly, the Notice was properly mailed to the correspondence address of record.

Moreover, applicants did not correct their error until after the mailing of the Notice to File Missing Parts. Applicants have not shown that this error occurred despite the exercise of due care such that it should be considered unavoidable within the meaning of 1.137(a). Accordingly, non-receipt of the Office action at the correspondence address of record does not support a conclusion that the delay in responding was unavoidable. Thus, it is concluded that Applicants have not met their burden of establishing unavoidable delay and the petition must be dismissed.

Applicants are not precluded from seeking revival based on unintentional delay. Applicants are reminded that any delay in filing a petition will be considered in the determination of whether the entire delay was unintentional.

Further correspondence with respect to this decision should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicants state that the delay was unavoidable. Applicants state that they never received the Notice because said notice was sent to the wrong attorney under Customer No. 52891 on February 22, 2007. Applicants states that even though the application was filed on October 16, 2007 with the current customer number, we discovered after the Notice was sent that the customer number listed on the Oath and Declaration was incorrect. On July 9, a change of address form was filed to amend the customer number to the correct number.

A grantable petition under § 1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 C.F.R. § 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer (and fee as set forth in §1.20(d)) required pursuant to § 1.137(d). The instant petition fails to meet requirement (1).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case

By fax: (571) 273-8300
ATTN: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Wei-Liang Wan	:	DECISION ON PETITION
Application No. 11/549,656	:	
Filed: October 16, 2006	:	
Attorney Docket No. FP12028	:	

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed April 30, 2008.

The petition is **GRANTED**.

The above-identified application became abandoned effective April 23, 2007 for failure to file a reply to the NOTICE TO FILE CORRECTED APPLICATION PAPERS mailed February 22, 2007. A courtesy Notice of Abandonment was mailed on November 1, 2007. By decision mailed March 31, 2008, a prior PETITION REQUESTING THE APPLICATION BE REVIVED ON THE GROUNDS OF UNAVOIDABLE DELAY Under 37 CFR 1.137(a) filed January 8, 2008 was dismissed. Applicant did not meet their burden of establishing that the delay in responding to the Notice was unavoidable within the meaning of 37 CFR 1.137(a).

In response, applicant timely filed the instant petition based on the less stringent standard of unintentional delay. The petition included the required statement of unintentional delay, payment of the petition fee, and the required reply in the form of an abstract. No terminal disclaimer is required to revive

this application. In view thereof, it is concluded that petitioner has met all requirements of 37 CFR 1.137(b) for revival of this application.

The application file is being forwarded to the Office of Patent Application Processing for completion of pre-examination processing, including processing of the responses submitted on petition filed January 8, 2008 (abstract) and renewed petition filed April 30, 2008 (replacement abstract).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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JENNIFER J. RIEL
9711 S. Eastern Ave Ste H-5 #65
Las Vegas NV 89183

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DEC 22 2008

OFFICE OF PETITIONS

In re Application of :
KLING, Werner Alecsander et al. :
Application No. 11/549,660 :
Filed: October 16, 2006 :
Attorney Docket No. **5ELE-02P0** :
:

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 22, 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 Jennifer J. Riel on behalf of all attorneys of record who are associated with customer No. 69001. 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 Werner Alecsander Kling at the address indicated below.

There is an outstanding Office action mailed September 18, 2008 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **WERNER ALECSANDER KLING**
MUNKERUDVOLLEN 7 A
OSLO, 1165
NORWAY

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/549,711	10/16/2006	Matthew B. Dumm	200507724-1	7459

7590 04/09/2008

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER	
BRAGDON, REGINALD GLENWOOD	
ART UNIT	**PAPER NUMBER**
2189	
NOTIFICATION DATE	**DELIVERY MODE**
04/09/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 04/08/2008 KKING1
03/06/2007 AGOITOM 00000027 082025 11549711
02 FC:1111 500.00 CR

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98 SAN JACINTO BLVD.
SUITE 1500
AUSTIN, TX 78701-4039

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OFFICE OF PETITIONS

In re Application of :
Licht and Passe :
Application No.: 11/549,765 : DECISION ACCORDING
Filed: October 16, 2006 : RULE 47(a) STATUS
Attorney Docket No:068758.0494 :
For: POWER SEMICONDUCTOR ARRANGEMENT

This is in response to the petition under 37 CFR 1.47(a), filed March 26, 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 October 16, 2006, without an oath or declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on October 26, 2006, requiring an executed oath or declaration and surcharge, and translation. The notice allowed an extendable period for reply of two months from its mailing date. The instant petition was filed responsively on March 26, 2007.

Petitioner has shown that inventor Passe has refused to join the application after having been presented with the application papers. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The fee for the instant petition is $200.00. Deposit account 50-2148 will be charged an additional $70.00, accordingly.

This application will be 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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FISH AND RICHARSON, PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

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JUL 15 2008

OFFICE OF PETITIONS

Applicant: Kirkmeier, et al.
Appl. No.: 11/549,773
Filing Date: October, 16, 2006
Title: RF PLASMA SUPPLY DEVICE
Attorney Docket No.: 7558
Pub. No.: 2007/0145900 A1
Pub. Date: June 28, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on August 2, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication the benefit claim data is not printed.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

The error in misprinting the foreign priority data may be an Office error, but it is a not material Office error under 37 CFR 1.221. The misprint does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine 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

[1]Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

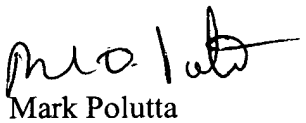
the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication 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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VARIAN SEMICONDUCTOR EQUIPMENT ASSC., INC.
35 DORY RD.
GLOUCESTER, MA 01930-2297

Mail Date: 04/26/2010

Applicant	: Peter D. Nunan	: DECISION ON REQUEST FOR
Patent Number	: 7619229	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/549,790	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **372** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.
11TH FLOOR, SEVEN PENN CENTER
1635 MARKET STREET
PHILADELPHIA, PA 19103-2212

Mail Date: 04/20/2010

Applicant	: Andre Cote	: DECISION ON REQUEST FOR
Patent Number	: 7623040	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/549,795	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **408** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
SUITE 700
Dallas, TX 75219

Mail Date: 04/21/2010

Applicant	: Neal A. Froeschner	: DECISION ON REQUEST FOR
Patent Number	: 7628679	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/549,807	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **566** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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HOGAN & HARTSON L.L.P.
1999 AVENUE OF THE STARS
SUITE 1400
LOS ANGELES, CA 90067

Mail Date: 04/20/2010

Applicant	: Masao KAWASE	: DECISION ON REQUEST FOR
Patent Number	: 7637340	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/549,876	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **440** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15th Street, NW
Washington DC 20005

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MAR 2 8 2008

OFFICE OF PETITIONS

In re Application of :
Dick et al. :
Application No. 11/549880 : DECISION ON PETITION
Filing or 371(c) Date: 10/16/2006 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 70215.00004.CON1 :

This is a decision on the petition to accept an unintentionally delayed claim pursuant to 37 CFR § 1.78(a)(3), filed January 4, 2008, for the benefit of the prior-filed 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 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 2142 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

Anthony Knight
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/549,880	10/16/2006	2142	425	70215.00004.CON1	20	3

CONFIRMATION NO. 7730

CORRECTED FILING RECEIPT

36183
PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15th Street, NW
Washington, DC 20005

Date Mailed: 03/27/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Kevin Stewart Dick, Palo Alto, CA;
Eric Kenneth Rescorla, Mountain View, CA;

Assignment For Published Patent Application

Network Resonance, Inc., Palo Alto, CA

Power of Attorney: The patent practitioners associated with Customer Number 36183

Domestic Priority data as claimed by applicant

This application is a CON of 09/861,264 05/18/2001 PAT 7,124,299

Foreign Applications

If Required, Foreign Filing License Granted: 01/23/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/549,880**

Projected Publication Date: 04/17/2008

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR AUDITING XML MESSAGES IN A NETWORK-BASED MESSAGE STREAM

Preliminary Class

709

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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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).

DATE 3-27-08 APPLICATION NUMBER 11/549,880

DOC CODE 316 DOC DATE _____

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

CONTRACTOR: THE ATTACHED FILE/DOCUMENT MUST BE INDEXED AND SCANNED INTO IFW WITHIN **8** WORK HOURS; UPLOADING OF THE SCANNED IMAGES SHOULD OCCUR NO LATER THAN **16** WORK HOURS FOLLOWING RECEIPT OF THIS REQUEST

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Bib Data Sheet

CONFIRMATION NO. 773(

SERIAL NUMBER	FILING OR 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
11/549,880	10/16/2006 RULE	709	2142	70215.00004.CON1

APPLICANTS

Kevin Stewart Dick, Palo Alto, CA;
Eric Kenneth Rescorla, Mountain View, CA;

*** CONTINUING DATA ***************************

This application is a CON of 09/861,264 05/18/2001 PAT 7,124,299

*** FOREIGN APPLICATIONS *********************

*** REQUIRED, FOREIGN FILING LICENSE GRANTED ****
1/23/2007

** SMALL ENTITY **

		STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
oreign Priority claimed	☐ yes ☐ no	CA	7	20	3
5 USC 119 (a-d) conditions met	☐ yes ☐ no ☐ Met after Allowance				
erified and Acknowledged	Examiner's Signature / Initials				

ADDRESS
6183

TITLE
SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR AUDITING XML MESSAGES IN A NETWORK-BASED MESSAGE STREAM

FILING FEE RECEIVED		
425	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit